

DISTRICT OF COLUMBIA CODE

ANNOTATED

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1999 SUPPLEMENT

UPDATING THE LAWS, GENERAL AND PERMANENT IN THEIR NATURE,
RELATING TO OR IN FORCE OR FINALLY ADOPTED IN THE DISTRICT OF
COLUMBIA (EXCEPT SUCH LAWS AS ARE OF APPLICATION IN THE
DISTRICT OF COLUMBIA BY REASON OF BEING GENERAL AND
PERMANENT LAWS OF THE UNITED STATES), AS OF APRIL 27,
1999, NOTES TO EMERGENCY LEGISLATION ADOPTED
AS OF MARCH 31, 1999, REORGANIZATION
PLANS NOT DISAPPROVED AS OF
DECEMBER 31, 1998, AND NOTES TO
DECISIONS REPORTED AS OF
MARCH 1, 1999

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TITLE 30. DOMESTIC RELATIONS.

CHAPTER 1. MARRIAGE.

§ 30-116. Public inspection and examination of applications.

Temporary amendment of section. — Section 6(a) of D.C. Law 12-210 amended this section to read as follows:

“All applications for marriage licenses shall be open to inspection as public records, except as limited by § 30-116.1. All such applications upon which licenses have not yet been issued shall be kept together in a separate file readily accessible to public examination.”

Section 15(b) of D.C. Law 12-210 provided that the act shall expire after 225 days of its having taken effect.

Temporary addition of section. — Section 6(b) of D.C. Law 12-210 added § 30-116.1 to read as follows:

§ 30-116.1.

“(a) Each applicant for a marriage license shall record on the application each Social Security number assigned to the applicant. The page containing the Social Security number shall be separate from the remainder of the application.

“(b) The page of the application containing the Social Security number shall be disclosed only:

“(1) For a purpose directly related to the establishment of paternity, or the establishment, modification, or enforcement of a support order; and

“(2) To the applicant, the other spouse, the child of the applicant or spouse, their attorneys of record, the IV-D agency, a District agency that has entered into a cooperative agreement with the IV-D agency, the IV-D agency of another state, or a private entity with which the District has contracted regarding paternity and child support services.”

Section 15(b) of D.C. Law 12-210 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments.

For temporary amendment of section, see § 6(a) of the Child Support and Welfare Compliance Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 6(a) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR

6110), § 6(a) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 6(a) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

Section 16 of D.C. Act 12-309 provided for the application of the act.

Section 15 of D.C. Act 12-503 provides for the application of the act.

For temporary addition of § 30-116.1, see § 6(b) of the Child Support and Welfare Compliance Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 6(b) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 6(b) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 6(b) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

Section 16 of D.C. Act 12-309 provided for the application of the act.

Section 15 of D.C. Act 12-503 provides for the application of the act.

For temporary repeal of D.C. Law 12-103, see § 13 of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110).

Legislative history of Law 12-210. — Law 12-210, the “Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998,” was introduced in Council and assigned Bill No. 12-657. The Bill was adopted on first and second readings on July 7, 1998, and September 22, 1998, respectively. Signed by the Mayor on October 16, 1998, it was assigned Act No. 12-497 and transmitted to both Houses of Congress for its review. D.C. Law 12-210 became effective on April 13, 1999.

CHAPTER 3. UNIFORM SUPPORT.

Sec.
30-301 to 30-326 [Repealed].

§ 30-301. Purposes; effective date.

Repealed.

(July 10, 1957, 71 Stat. 285, Pub. L. 85-94, § 1; 1973 Ed., § 30-301; Feb. 9, 1996, D.C. Law 11-81, § 902, 42 DCR 6748.)

Legislative history of Law 11-81. — Law 11-81, the “Uniform Interstate Family Support Act of 1995,” was introduced in Council and assigned Bill No. 11-169, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on October 10, 1995, and November 7, 1995, respectively. Signed by the Mayor on November 27,

1995, it was assigned Act No. 11-157 and transmitted to both Houses of Congress for its review. D.C. Law 11-81 became effective on February 9, 1996.

Editor’s notes. — Sections 30-301 through 30-326 are set out herein to provide historical information.

§ 30-302. Definitions.

Repealed.

(July 10, 1957, 71 Stat. 285, Pub. L. 85-94, § 2; July 8, 1963, 77 Stat. 77, Pub. L. 88-60, § 1; July 29, 1970, 84 Stat. 578, Pub. L. 91-358, title I, § 159(f)(1); 1973 Ed., § 30-302; Feb. 24, 1987, D.C. Law 6-166, § 33(f)(1), 33 DCR 6710; Feb. 9, 1996, D.C. Law 11-81, § 902, 42 DCR 6748.)

Legislative history of Law 11-81. — See note to § 30-301.

§ 30-303. Existing remedies preserved.

Repealed.

(July 10, 1957, 71 Stat. 286, Pub. L. 85-94, § 3; 1973 Ed., § 30-303; Feb. 9, 1996, D.C. Law 11-81, § 902, 42 DCR 6748.)

Legislative history of Law 11-81. — See note to § 30-301.

§ 30-304. Extent of duties of support.

Repealed.

(July 10, 1957, 71 Stat. 286, Pub. L. 85-94, § 4; 1973 Ed., § 30-304; Feb. 9, 1996, D.C. Law 11-81, § 902, 42 DCR 6748.)

Legislative history of Law 11-81. — See note to § 30-301.

§ 30-305. Remedies of a state furnishing support or institutional care.

Repealed.

(July 10, 1957, 71 Stat. 286, Pub. L. 85-94, § 5; 1973 Ed., § 30-305; Feb. 9, 1996, D.C. Law 11-81, § 902, 42 DCR 6748.)

Legislative history of Law 11-81. — See note to § 30-301.

§ 30-306. Commencement of proceedings; jurisdiction of Superior Court.

Repealed.

(July 10, 1957, 71 Stat. 286, Pub. L. 85-94, § 6; July 8, 1963, 77 Stat. 77, Pub. L. 88-60, § 1; July 29, 1970, 84 Stat. 586, Pub. L. 91-358, title I, § 165(d); 1973 Ed., § 30-306; Feb. 9, 1996, D.C. Law 11-81, § 902, 42 DCR 6748.)

Legislative history of Law 11-81. — See note to § 30-301.

§ 30-307. Complaint; verification; contents; attachments.

Repealed.

(July 10, 1957, 71 Stat. 286, Pub. L. 85-94, § 7; 1973 Ed., § 30-307; Feb. 9, 1996, D.C. Law 11-81, § 902, 42 DCR 6748.)

Legislative history of Law 11-81. — See note to § 30-301.

§ 30-308. Representation of plaintiff by Corporation Counsel or private counsel.

Repealed.

(July 10, 1957, 71 Stat. 286, Pub. L. 85-94, § 8; 1973 Ed., § 30-308; Feb. 24, 1987, D.C. Law 6-166, § 33(f)(2), 33 DCR 6710; Feb. 9, 1996, D.C. Law 11-81, § 902, 42 DCR 6748.)

Legislative history of Law 11-81. — See note to § 30-301.

§ 30-309. Complaint on behalf of minor dependent.

Repealed.

(July 10, 1957, 71 Stat. 287, Pub. L. 85-94, § 9; 1973 Ed., § 30-309; Feb. 9, 1996, D.C. Law 11-81, § 902, 42 DCR 6748.)

Legislative history of Law 11-81. — See note to § 30-301.

§ 30-310. Duty of Court when District is initiating state.

Repealed.

(July 10, 1957, 71 Stat. 287, Pub. L. 85-94, § 10; 1973 Ed., § 30-310; Feb. 9, 1996, D.C. Law 11-81, § 902, 42 DCR 6748.)

Legislative history of Law 12-81. — See note to § 30-301.

§ 30-311. Fees and costs to accompany complaint; waiver of payment.

Repealed.

(July 10, 1957, 71 Stat. 287, Pub. L. 85-94, § 11; 1973 Ed., § 30-311; Feb. 9, 1996, D.C. Law 11-81, § 902, 42 DCR 6748.)

Legislative history of Law 12-81. — See note to § 30-301.

§ 30-312. Flight of defendant from jurisdiction of responding state.

Repealed.

(July 10, 1957, 71 Stat. 287, Pub. L. 85-94, § 12; 1973 Ed., § 30-312; Feb. 9, 1996, D.C. Law 11-81, § 902, 42 DCR 6748.)

Legislative history of Law 11-81. — See note to § 30-301.

§ 30-313. Duties of Director of Department of Human Services.

Repealed.

(July 10, 1957, 71 Stat. 287, Pub. L. 85-94, § 13; 1973 Ed., § 30-313; Feb. 24, 1987, D.C. Law 6-166, § 33(f)(3), 33 DCR 6710; Feb. 9, 1996, D.C. Law 11-81, § 902, 42 DCR 6748.)

Legislative history of Law 11-81. — See note to § 30-301.

§ 30-314. Duty of Court when District is responding state.

Repealed.

(July 10, 1957, 71 Stat. 287, Pub. L. 85-94, § 14; 1973 Ed., § 30-314; Feb. 9, 1996, D.C. Law 11-81, § 902, 42 DCR 6748.)

Legislative history of Law 12-81. — See note to § 30-301.

§ 30-315. Orders of Court on finding duty of support.

Repealed.

(July 10, 1957, 71 Stat. 288, Pub. L. 85-94, § 15; 1973 Ed., § 30-315; Feb. 9, 1996, D.C. Law 11-81, § 902, 42 DCR 6748.)

Legislative history of Law 11-81. — See note to § 30-301.

§ 30-316. Copies of orders to be transmitted to initiating state.

Repealed.

(July 10, 1957, 71 Stat. 288, Pub. L. 85-94, § 16; 1973 Ed., § 30-316; Feb. 9, 1996, D.C. Law 11-81, § 902, 42 DCR 6748.)

Legislative history of Law 11-81. — See note to § 30-301.

§ 30-317. Duties of Court as to receipt and disbursement of payments.

Repealed.

(July 10, 1957, 71 Stat. 288, Pub. L. 85-94, § 17; 1973 Ed., § 30-317; Feb. 9, 1996, D.C. Law 11-81, § 902, 42 DCR 6748.)

Legislative history of Law 11-81. — See note to § 30-301.

§ 30-318. Husband and wife as witnesses.

Repealed.

(July 10, 1957, 71 Stat. 288, Pub. L. 85-94, § 18; 1973 Ed., § 30-318; Feb. 9, 1996, D.C. Law 11-81, § 902, 42 DCR 6748.)

Legislative history of Law 11-81. — See note to § 30-301.

§ 30-319. Crediting of payments under support orders.

Repealed.

(July 10, 1957, 71 Stat. 288, Pub. L. 85-94, § 19; 1973 Ed., § 30-319; Feb. 9, 1996, D.C. Law 11-81, § 902, 42 DCR 6748.)

Legislative history of Law 11-81. — See note to § 30-301.

§ 30-320. Duty to support illegitimate child.

Repealed.

(July 10, 1957, 71 Stat. 288, Pub. L. 85-94, § 20; 1973 Ed., § 30-320; Oct. 1, 1976, D.C. Law 1-87, § 34, 23 DCR 2544; Apr. 7, 1977, D.C. Law 1-107, title I, § 114, 23 DCR 8737; Feb. 9, 1996, D.C. Law 11-81, § 902, 42 DCR 6748.)

Legislative history of Law 11-81. — See note to § 30-301.

§ 30-321. Effect of participation in proceedings.

Repealed.

(July 10, 1957, 71 Stat. 288, Pub. L. 85-94, § 21; 1973 Ed., § 30-321; Feb. 9, 1996, D.C. Law 11-81, § 902, 42 DCR 6748.)

Legislative history of Law 11-81. — See note to § 30-301.

§ 30-322. Right of appeal.

Repealed.

(July 10, 1957, 71 Stat. 289, Pub. L. 85-94, § 22; July 8, 1963, 77 Stat. 77, Pub. L. 88-60, § 1; July 29, 1970, 84 Stat. 578, Pub. L. 91-358, title I, § 159(f)(2); 1973 Ed., § 30-322; Feb. 9, 1996, D.C. Law 11-81, § 902, 42 DCR 6748.)

Legislative history of Law 11-81. — See note to § 30-301.

§ 30-323. Severability.

Repealed.

(July 10, 1957, 71 Stat. 289, Pub. L. 85-94, § 23; 1973 Ed., § 30-323; Feb. 9, 1996, D.C. Law 11-81, § 902, 42 DCR 6748.)

Legislative history of Law 11-81. — See note to § 30-301.

§ 30-324. Appropriations.

Repealed.

(July 10, 1957, 71 Stat. 289, Pub. L. 85-94, § 24; 1973 Ed., § 30-324; Feb. 9, 1996, D.C. Law 11-81, § 902, 42 DCR 6748.)

Legislative history of Law 11-81. — See note to § 30-301.

§ 30-325. Registration of foreign support order.

Repealed.

(July 10, 1957, Pub. L. 85-94, § 24a, as added Feb. 24, 1987, D.C. Law 6-166, § 33(f)(4), 33 DCR 6710; Feb. 9, 1996, D.C. Law 11-81, § 902, 42 DCR 6748.)

Legislative history of Law 11-81. — See note to § 30-301.

§ 30-326. Effect of foreign support order.

Repealed.

(July 10, 1957, Pub. L. 85-94, § 24b, as added Feb. 24, 1987, D.C. Law 6-166, § 33(f)(4), 33 DCR 6710; Feb. 9, 1996, D.C. Law 11-81, § 902, 42 DCR 6748.)

Legislative history of Law 11-81. — See note to § 30-301.

CHAPTER 3A. INTERSTATE FAMILY SUPPORT.

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Subchapter I. General Provisions.

§ 30-341.1. Definitions.

* * * * *

(9) "Initiating state" means a state from which a proceeding is forwarded or in which a proceeding is filed for forwarding to a responding state under this chapter or a law or procedure substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.

* * * * *

(19) "Responding state" means a state in which a proceeding is filed or to which a proceeding is forwarded for filing from an initiating state under this chapter or a law or procedure substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.

* * * * *

(22) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular

possession subject to the jurisdiction of the United States. The term "state" includes:

- (A) An Indian tribe; and
- (B) A foreign jurisdiction that has enacted a law or established procedures for issuance and enforcement of support orders which are substantially similar to the procedures under this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.

* * * * *

(July 24, 1998, D.C. Law 12-131, § 2(a), 45 DCR 2924.)

Effect of amendments. — D.C. Law 12-131 rewrote (9); in (19), inserted "in which a proceeding is filed or" following "means a state," inserted "for filing from an initiating state" following "forwarded," and inserted "or procedure" following "a law"; and rewrote (22).

Temporary amendment of section. — Section 2(a) of D.C. Law 12-94 rewrote (9); in (19), inserted "in which a proceeding is filed or" following "means a state," inserted "for filing from an initiating state" following "forwarded," and inserted "or procedure" following "a law"; and rewrote (22).

Section 4 of D.C. Law 12-94 provided that the act shall apply as of January 1, 1998.

Section 5(b) of D.C. Law 12-94 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments.

For temporary amendment of section, see § 2(a) of the Uniform Interstate Family Support Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-510, March 20, 1998, 46 DCR 1950).

Section 4 of D.C. Act 12-310 provided for the application of the act.

Legislative history of Law 12-94. — Law 12-94, the "Uniform Interstate Family Support Temporary Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-472. The Bill was adopted on first and second readings on December 4, 1997, and January 6, 1998, respectively. Signed by the Mayor on January 26, 1998, it was assigned Act No. 12-267 and

transmitted to both Houses of Congress for its review. D.C. Law 12-94 became effective on April 29, 1998.

Legislative history of Law 12-131. — Law 12-131, the "Uniform Interstate Family Support Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-156, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on March 3, 1998, and April 7, 1998, respectively. Signed by the Mayor on April 20, 1998, it was assigned Act No. 12-330 and transmitted to both Houses of Congress for its review. D.C. Law 12-131 became effective on July 24, 1998.

References in text. — The Uniform Reciprocal Enforcement of Support Act and the Revised Uniform Reciprocal Enforcement of Support Act, referred to in (9), (19) and (22), are model acts that have been adopted by several states.

Application of Law 12-131. — Section 4 of D.C. Law 12-131 provided that the act shall apply as of January 1, 1998.

Neither parent residing in District. — Under the Uniform Interstate Family Support Act, the Superior Court no longer has authority to modify an existing child support order where neither parent nor the child currently reside in the District of Columbia; however, the court retains authority to determine issues concerning enforcement of that order. *Lackman v. Rosenstock*, 126 WLR 829 (Super. Ct. 1998).

Subchapter II. Jurisdiction.

Subpart B. Proceedings Involving 2 or More States.

§ 30-342.5. Continuing, exclusive jurisdiction.

(a) A tribunal of the District issuing a support order consistent with the law of the District has continuing, exclusive jurisdiction over a child support order:

* * * * *

(2) Until all of the parties who are individuals have filed written consent with the tribunal of the District for a tribunal of another state to modify the order and assume continuing, exclusive jurisdiction.

* * * * *

(July 24, 1998, D.C. Law 12-131, § 2(b), 45 DCR 2924.)

Effect of amendments. — D.C. Law 12-131, in (a)(2), substituted “all of the parties who are individuals have” for “each individual party has.”

Temporary amendment of section. — Section 2(b) of D.C. Law 12-94, in (a)(2), substituted “all of the parties who are individuals have” for “each individual party has.”

Section 4 of D.C. Law 12-94 provided that the act shall apply as of January 1, 1998.

Section 5(b) of D.C. Law 12-94 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments.

For temporary amendment of section, see § 2(b) of the Uniform Interstate Family Support Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-310, March 20, 1998, 45 DCR 1950).

Section 4 of D.C. Act 12-310 provided for the application of the act.

Legislative history of Law 12-94. — See note to § 30-341.1.

Legislative history of Law 12-131. — See note to § 30-341.1.

Application of Law 12-131. — See note to § 30-341.1.

Neither parent residing in District. — Under the Uniform Interstate Family Support Act, the Superior Court no longer has authority to modify an existing child support order where neither parent nor the child currently reside in the District of Columbia; however, the court retains authority to determine issues concerning enforcement of that order. *Lackman v. Rosenstock*, 126 WLR 829 (Super. Ct. 1998).

Subpart C. Reconciliation With Orders of Other States.

§ 30-342.7. Recognition of controlling child support order.

(a) If a proceeding is brought under this chapter and only 1 tribunal has issued a child support order, the order of that tribunal controls and must be so recognized.

(b) If a proceeding is brought under this chapter, and 2 or more child support orders have been issued by tribunals of the District or another state with regard to the same obligor and child, a tribunal of the District shall apply the following rules in determining which order to recognize for purposes of continuing, exclusive jurisdiction:

(1) If only 1 of the tribunals would have continuing, exclusive jurisdiction under this chapter, the order of that tribunal controls and must be so recognized.

(2) If more than 1 of the tribunals would have continuing, exclusive jurisdiction under this chapter, an order issued by a tribunal in the current home state of the child controls and must be so recognized, but if an order has not been issued in the current home state of the child, the order most recently issued controls and must be so recognized.

(3) If none of the tribunals would have continuing, exclusive jurisdiction under this chapter, the tribunal of the District having jurisdiction over the parties shall issue a child support order, which controls and must be so recognized.

(c) If 2 or more child support orders have been issued for the same obligor and child and if the obligor or the individual obligee resides in the District, a

party may request a tribunal of the District to determine which order controls and must be so recognized under subsection (b) of this section. The request must be accompanied by a certified copy of every support order in effect. The requesting party shall give notice of the request to each party whose rights may be affected by the determination.

(d) The tribunal that issued the controlling order under subsection (a), (b), or (c) of this section is the tribunal that has continuing, exclusive jurisdiction under § 30-342.5.

(e) A tribunal of the District which determines by order the identity of the controlling order under subsection (b)(1) or (2) of this section or which issues a new controlling order under subsection (b)(3) of this section shall state in that order the basis upon which the tribunal made its determination.

(f) Within 30 days after issuance of an order determining the identity of the controlling order, the party obtaining the order shall file a certified copy of it with each tribunal that issued or registered an earlier order of child support. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the controlling order. (Feb. 9, 1996, D.C. Law 11-81, § 207, 42 DCR 6748; July 24, 1998, D.C. Law 12-131, § 2(c), 45 DCR 2924.)

Effect of amendments. — D.C. Law 12-131 rewrote the section.

Temporary amendment of section. — Section 2(c) of D.C. Law 12-94 rewrote the section.

Section 4 of D.C. Law 12-94 provided that the act shall apply as of January 1, 1998.

Section 5(b) of D.C. Law 12-94 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments.

For temporary amendment of section, see

§ 2(c) of the Uniform Interstate Family Support Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-310, March 20, 1998, 45 DCR 1950).

Section 4 of D.C. Act 12-310 provided for the application of the act.

Legislative history of Law 12-94. — See note to § 30-341.1.

Legislative history of Law 12-131. — See note to § 30-341.1.

Application of Law 12-131. — See note to § 30-341.1.

Subchapter III. Civil Provisions of General Application.

§ 30-343.4. Duties of initiating tribunal.

(a) Upon the filing of a petition authorized by this chapter, an initiating tribunal of the District shall forward 3 copies of the petition and its accompanying documents:

(1) To the responding tribunal or appropriate support enforcement agency in the responding state; or

(2) If the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged.

(b) If a responding state has not enacted the provisions of this chapter, or a law or procedure substantially similar to this chapter, a tribunal of the District may issue a certificate or other document and make findings required by the law of the responding state. If the responding state is a foreign jurisdiction, the tribunal may specify the amount of support sought and provide other documents necessary to satisfy the requirements of the responding state. (Feb. 9,

1996, D.C. Law 11-81, § 304, 42 DCR 6748; July 24, 1998, D.C. Law 12-131, § 2(d), 45 DCR 2924.)

Effect of amendments. — D.C. Law 12-131 added (b).

Temporary amendment of section. — Section 2(d) of D.C. Law 12-94 added (b).

Section 4 of D.C. Law 12-94 provided that the act shall apply as of January 1, 1998.

Section 5(b) of D.C. Law 12-94 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments.

For temporary amendment of section, see § 2(d) of the Uniform Interstate Family Support Congressional Review Emergency Amend-

ment Act of 1998 (D.C. Act 12-310, March 20, 1998, 45 DCR 1950).

Section 4 of D.C. Act 12-310 provided for the application of the act.

Legislative history of Law 12-94. — See note to § 30-341.1.

Legislative history of Law 12-131. — See note to § 30-341.1.

References in text. — “This act” referred to in (b), is D.C. Law 12-131.

Application of Law 12-131. — See note to § 30-341.1.

§ 30-343.5. Duties and powers of responding tribunal.

(a) When a responding tribunal of the District receives a petition or comparable pleading from an initiating tribunal or directly pursuant to § 30-343.1(c), it shall cause the petition or pleading to be filed and notify the petitioner as to where and when it was filed.

* * * * *

(e) If a responding tribunal of the District issues an order under this chapter, the tribunal shall send a copy of the order to the petitioner and the respondent and to the initiating tribunal, if any. (Feb. 9, 1996, D.C. Law 11-81, § 305, 42 DCR 6748; July 24, 1998, D.C. Law 12-131, § 2(e), 45 DCR 2924.)

Effect of amendments. — D.C. Law 12-131, in (a), deleted “by first-class mail” following “notify the petitioner”; and in (e), deleted “by first-class mail” following “send a copy of the order.”

Temporary amendment of section. — Section 2(e) of D.C. Law 12-94, in (a), deleted “by first-class mail” following “notify the petitioner”; and in (e), deleted “by first-class mail” following “send a copy of the order.”

Section 4 of D.C. Law 12-94 provided that the act shall apply as of January 1, 1998.

Section 5(b) of D.C. Law 12-94 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments.

For temporary amendment of section, see § 2(e) of the Uniform Interstate Family Support Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-310, March 20, 1998, 45 DCR 1950).

Section 4 of D.C. Act 12-310 provided for the application of the act.

Legislative history of Law 12-94. — See note to § 30-341.1.

Legislative history of Law 12-131. — See note to § 30-341.1.

Application of Law 12-131. — See note to § 30-341.1.

§ 30-343.6. Inappropriate tribunal.

If a petition or comparable pleading is received by an inappropriate tribunal of the District, it shall forward the pleading and accompanying documents to an appropriate tribunal in the District or another state and notify the petitioner as to where and when the pleading was sent. (Feb. 9, 1996, D.C. Law 11-81, § 306, 42 DCR 6748; July 24, 1998, D.C. Law 12-131, § 2(f), 45 DCR 2924.)

Effect of amendments. — D.C. Law 12-131 deleted “by first-class mail” following “notify the petitioner.”

Temporary amendment of section. — Section 2(f) of D.C. Law 12-94 deleted “by first-class mail” following “notify the petitioner.”

Section 4 of D.C. Law 12-94 provided that the act shall apply as of January 1, 1998.

Section 5(b) of D.C. Law 12-94 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments.

For temporary amendment of section, see

§ 2(f) of the Uniform Interstate Family Support Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-310, March 20, 1998, 45 DCR 1950).

Section 4 of D.C. Act 12-310 provided for the application of the act.

Legislative history of Law 12-94. — See note to § 30-341.1.

Legislative history of Law 12-131. — See note to § 30-341.1.

Application of Law 12-131. — See note to § 30-341.1.

§ 30-343.7. Duties of support enforcement agency.

* * * * *

(b) A support enforcement agency that is providing services to the petitioner as appropriate shall:

* * * * *

(4) Within 5 days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written notice from an initiating, responding, or registering tribunal, send a copy of the notice to the petitioner;

(5) Within 5 days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written communication from the respondent or the respondent’s attorney, send a copy of the communication to the petitioner; and

* * * * *

(July 24, 1998, D.C. Law 12-131, § 2(g), 45 DCR 2924.)

Effect of amendments. — D.C. Law 12-131, in (b), deleted “by first-class mail” following “send a copy of the notice” in (4), and following “send a copy of the communication” in (5).

Temporary amendment of section. — Section 2(g) of D.C. Law 12-94, in (b), deleted “by first-class mail” following “send a copy of the notice” in (4), and following “send a copy of the communication” in (5).

Section 4 of D.C. Law 12-94 provided that the act shall apply as of January 1, 1998.

Section 5(b) of D.C. Law 12-94 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments.

For temporary amendment of section, see § 2(g) of the Uniform Interstate Family Support Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-310, March 20, 1998, 45 DCR 1950).

Section 4 of D.C. Act 12-310 provided for the application of the act.

Legislative history of Law 12-94. — See note to § 30-341.1.

Legislative history of Law 12-131. — See note to § 30-341.1.

Application of Law 12-131. — See note to § 30-341.1.

§ 30-343.7a. Mayor to order or provide services.

If the Mayor determines that the support enforcement agency is neglecting or refusing to provide services to an individual, the Mayor may order the agency to perform its duties under this chapter or may provide those services directly to the individual. (Feb. 9, 1996, D.C. Law 11-81, § 307a, as added July 24, 1998, D.C. Law 12-131, § 2(h), 45 DCR 2924.)

Effect of amendments. — D.C. Law 12-131 added this section.

Temporary addition of section. — Section 2(h) of D.C. Law 12-94 added this section.

Section 4 of D.C. Law 12-94 provided that the act shall apply as of January 1, 1998.

Section 5(b) of D.C. Law 12-94 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary addition of section, see § 2(h) of the Uniform Interstate Family Support Emergency Amendment Act of 1997 (D.C. Act 12-225, December 23, 1997, 45 DCR 151), and § 2(h) of

the Uniform Interstate Family Support Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-310, March 20, 1998, 45 DCR 1950).

Section 4 of D.C. Act 12-225 provided for application of the act.

Section 4 of D.C. Act 12-310 provided for the application of the act.

Legislative history of Law 12-94. — See note to § 30-341.1.

Legislative history of Law 12-131. — See note to § 30-341.1.

Application of Law 12-131. — See note to § 30-341.1.

Subchapter V. Enforcement of Order of Another State Without Registration.

Revision of subchapter. — D.C. Law 12-131 revised this subchapter by inserting new

§§ 30-345.2 through 30-345.6, and redesignating former § 30-345.2 as new § 30-345.7.

§ 30-345.1. Employer's receipt of income-withholding order of another state.

An income-withholding order issued in another state may be sent to the person or entity defined as the obligor's employer under Chapter 5 of this title, without first filing a petition or comparable pleading or registering the order with a tribunal of the District. (Feb. 9, 1996, D.C. Law 11-81, § 501, 42 DCR 6748; July 24, 1998, D.C. Law 12-131, § 2(i), 45 DCR 2924.)

Effect of amendments. — D.C. Law 12-131 rewrote the section.

Temporary amendment of section. — Section 2(i) of D.C. Law 12-94 deleted "Direct" preceding "Enforcement" in the subchapter heading; and rewrote the section.

Section 4 of D.C. Law 12-94 provided that the act shall apply as of January 1, 1998.

Section 5(b) of D.C. Law 12-94 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments.

For temporary amendment of subchapter heading, see § 2(i) of the Uniform Interstate Family Support Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-310, March 20, 1998, 45 DCR 1950).

Section 4 of D.C. Act 12-310 provided for the application of the act.

For temporary amendment of section, see § 2(i) of the Uniform Interstate Family Support Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-310, March 20, 1998, 45 DCR 1950).

Section 4 of D.C. Act 12-310 provided for the application of the act.

Legislative history of Law 12-94. — See note to § 30-341.1.

Legislative history of Law 12-131. — See note to § 30-341.1.

Application of Law 12-131. — See note to § 30-341.1.

§ 30-345.2. Employer's compliance with income-withholding order of another state.

(a) Upon receipt of an income-withholding order, the obligor's employer shall immediately provide a copy of the order to the obligor.

(b) The employer shall treat an income-withholding order issued in another state which appears regular on its face as if it had been issued by a tribunal of the District.

(c) Except as otherwise provided in subsection (d) of this section and § 30-345.3, the employer shall withhold and distribute the funds as directed in the withholding order by complying with terms of the order which specify:

(1) The duration and amount of periodic payments of current child support stated as a sum certain;

(2) The person or agency designated to receive payments and the address to which the payments are to be forwarded;

(3) Medical support, whether in the form of periodic cash payment stated as a sum certain, or ordering the obligor to provide health insurance coverage for the child under a policy available through the obligor's employment;

(4) The amount of periodic payments of fees and costs for a support enforcement agency, the issuing tribunal, and the obligee's attorney stated as sums certain; and

(5) The amount of periodic payments of arrearages and interest on arrearages stated as sums certain.

(d) An employer shall comply with the law of the state of the obligor's principal place of employment for withholding from income with respect to:

(1) The employer's fee for processing an income-withholding order;

(2) The maximum amount permitted to be withheld from the obligor's income; and

(3) The times within which the employer must implement the withholding order and forward the child support payment. (Feb. 9, 1996, D.C. Law 11-81, § 502, as added July 24, 1998, D.C. Law 12-131, § 2(i), 45 DCR 2924.)

Effect of amendments. — D.C. Law 12-131 added this section, and redesignated former § 30-345.2 to be present § 30-345.7.

Temporary addition of sections. — Section 2(i) of D.C. Law 12-94 added new §§ 30-345.2 to 30-345.6, and renumbered former § 30-345.2 as present § 30-345.7.

Section 4 of D.C. Law 12-94 provided that the act shall apply as of January 1, 1998.

Section 5(b) of D.C. Law 12-94 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(i) of the Uniform Interstate Family Support Emergency Amendment Act of 1997 (D.C. Act 12-225, De-

cember 23, 1997, 45 DCR 151), and § 2(i) of the Uniform Interstate Family Support Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-310, March 20, 1998, 45 DCR 1950).

Section 4 of D.C. Act 12-310 provided for the application of the act.

Section 4 of D.C. Act 12-310 provided for the application of the act.

Legislative history of Law 12-94. — See note to § 30-341.1.

Legislative history of Law 12-131. — See note to § 30-341.1.

Application of Law 12-131. — See note to § 30-341.1.

§ 30-345.3. Compliance with multiple income-withholding orders.

If an obligor's employer receives multiple income-withholding orders with respect to the earnings of the same obligor, the employer satisfies the terms of the multiple orders if the employer complies with the law of the state of the obligor's principal place of employment to establish the priorities for withholding and allocating income withheld for multiple child support obligees. (Feb. 9, 1996, D.C. Law 11-81, § 503, as added July 24, 1998, D.C. Law 12-131, § 2(i), 45 DCR 2924.)

Effect of amendments. — D.C. Law 12-131 added this section.

Temporary addition of section. — See notes to § 30-345.2.

Legislative history of Law 12-94. — See note to § 30-341.1.

Legislative history of Law 12-131. — See note to § 30-341.1.

Application of Law 12-131. — See note to § 30-341.1.

§ 30-345.4. Immunity from civil liability.

An employer who complies with an income-withholding order issued in another state in accordance with this chapter is not subject to civil liability to an individual or agency with regard to the employer's withholding of child support from the obligor's income. (Feb. 9, 1996, D.C. Law 11-81, § 504, as added July 24, 1998, D.C. Law 12-131, § 2(i), 45 DCR 2924.)

Effect of amendments. — D.C. Law 12-131 added this section.

Temporary addition of section. — See notes to § 30-345.2

Legislative history of Law 12-94. — See note to § 30-341.1.

Legislative history of Law 12-131. — See note to § 30-341.1.

Application of Law 12-131. — See note to § 30-341.1.

§ 30-345.5. Penalties for noncompliance.

An employer who willfully fails to comply with an income-withholding order issued by another state and received for enforcement is subject to the same penalties that may be imposed for noncompliance with an order issued by a tribunal of the District. (Feb. 9, 1996, D.C. Law 11-81, § 505, as added July 24, 1998, D.C. Law 12-131, § 2(i), 45 DCR 2924.)

Effect of amendments. — D.C. Law 12-131 added this section.

Temporary addition of section. — See notes to § 30-345.2.

Legislative history of Law 12-94. — See note to § 30-341.1.

Legislative history of Law 12-131. — See note to § 30-341.1.

Application of Law 12-131. — See note to § 30-341.1.

§ 30-345.6. Contest by obligor.

(a) An obligor may contest the validity or enforcement of an income-withholding order issued in another state and received directly by an employer in the District in the same manner as if the order had been issued by a tribunal of the District. Section 30-346.4 applies to the contest.

(b) The obligor shall give notice of the contest to:

(1) A support enforcement agency providing services to the obligee; (2) Each employer that has directly received an income-withholding order; and

(3) The person or agency designated to receive payments in the income-withholding order or, if no person or agency is designated, to the obligee. (Feb. 9, 1996, D.C. Law 11-81, § 506, as added July 24, 1998, D.C. Law 12-131, § 2(i), 45 DCR 2924.)

Effect of amendments. — D.C. Law 12-131 added this section.

Temporary addition of section. — See notes to § 30-345.2.

Legislative history of Law 12-94. — See note to § 30-341.1.

Legislative history of Law 12-131. — See note to § 30-341.1.

Application of Law 12-131. — See note to § 30-341.1

§ 30-345.7. Administrative enforcement of orders.

(a) A party seeking to enforce a support order or an income-withholding order, or both, issued by a tribunal of another state may send the documents required for registering the order to a support enforcement agency of the District.

(b) Upon receipt of the documents, the support enforcement agency, without initially seeking to register the order, shall consider and, if appropriate, use any administrative procedure authorized by the law of the District to enforce a support order or an income-withholding order, or both. If the obligor does not contest administrative enforcement, the order need not be registered. If the obligor contests the validity or administrative enforcement of the order, the support enforcement agency shall register the order pursuant to this chapter. (Feb. 9, 1996, D.C. Law 11-81, § 507, formerly § 502, 42 DCR 6748; July 24, 1998, D.C. Law 12-131, § 2(i), 45 DCR 2924.)

Effect of amendments. — D.C. Law 12-131 redesignated former § 30-345.2 to be present § 30-345.7.

Temporary amendment of section. — Section 2(i) of D.C. Law 12-94 redesignated former § 30-345.2 to be present § 30-345.7.

Section 4 of D.C. Law 12-94 provided that the act shall apply as of January 1, 1998.

Section 5(b) of D.C. Law 12-94 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments.

For temporary amendment of section, see § 2(i) of the Uniform Interstate Family Support Congressional Review Emergency Amend-

ment Act of 1998 (D.C. Act 12-310, March 20, 1998, 45 DCR 1950).

For temporary addition of §§ 30-345.3 to 30-345.7, see § 2(i) of the Uniform Interstate Family Support Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-310, March 20, 1998, 45 DCR 1950).

Section 4 of D.C. Act 12-310 provided for the application of the act.

Legislative history of Law 12-94. — See note to § 30-341.1.

Legislative history of Law 12-131. — See note to § 30-341.1.

Application of Law 12-131. — See note to § 30-341.1.

Subchapter VI. Enforcement and Modification of Support Order After Registration.

Subpart B. Contest of Validity or Enforcement.

§ 30-346.5. Notice of registration of order.

(a) When a support order or income-withholding order issued in another state is registered, the registering tribunal shall notify the nonregistering party. The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

(b) The notice must inform the nonregistering party:

* * * * *

(2) That a hearing to contest the validity or enforcement of the registered order must be requested within 20 days after the notice;

* * * * *

(July 24, 1998, D.C. Law 12-131, § 2(j), 45 DCR 2924.)

Effect of amendments. — D.C. Law 12-131, in (a), deleted the former second sentence pertaining to the requirement of giving notice by first-class, certified, or registered mail, or by any means of personal service authorized by law; and in (b)(2), deleted “the date of mailing or personal service of the” following “within 20 days after.”

Temporary amendment of section. — Section 2(j) of D.C. Law 12-94, in (a), deleted the former second sentence pertaining to the requirement of giving notice by first-class, certified, or registered mail, or by any means of personal service authorized by law; and in (b)(2), deleted “the date of mailing or personal service of the” following “within 20 days after.”

Section 4 of D.C. Law 12-94 provided that the act shall apply as of January 1, 1998.

Section 5(b) of D.C. Law 12-94 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments.

For temporary amendment of section, see § 2(j) of the Uniform Interstate Family Support Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-310, March 29, 1998, 45 DCR 1950).

Section 4 of D.C. Act 12-310 provides for the application of the act.

Legislative history of Law 12-94. — See note to § 30-341.1.

Legislative history of Law 12-131. — See note to § 30-341.1.

Application of Law 12-131. — See note to § 30-341.1.

§ 30-346.6. Procedure to contest validity or enforcement of registered order.

(a) A nonregistering party seeking to contest the validity or enforcement of a registered order in the District shall request a hearing within 20 days after notice of the registration. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages pursuant to § 30-346.7 (contest of registration or enforcement).

* * * * *

(c) If a nonregistering party requests a hearing to contest the validity or enforcement of the registered order, the registering tribunal shall schedule the matter for hearing and give notice to the parties as to the date, time, and place of the hearing. (Feb. 9, 1996, D.C. Law 11-81, § 606, 42 DCR 6748; July 24, 1998, D.C. Law 12-131, § 2(k), 45 DCR 2924.)

Effect of amendments. — D.C. Law 12-131, in (a), deleted “the date of mailing or personal service of” following “within 20 days after”; and in (c), deleted “by first-class mail” following “notice to the parties.”

Temporary amendment of section. — Section 2(k) of D.C. Law 12-94, in (a), deleted “the date of mailing or personal service of” following “within 20 days after”; and in (c), deleted “by first-class mail” following “notice to the parties.”

Section 4 of D.C. Law 12-94 provided that the act shall apply as of January 1, 1998.

Section 5(b) of D.C. Law 12-94 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments.

For temporary amendment of section, see § 2(k) of the Uniform Interstate Family Support Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-310, March 29, 1998, 45 DCR 1950).

Section 4 of D.C. Act 12-310 provides for the application of the act.

Legislative history of Law 12-94. — See note to § 30-341.1.

Legislative history of Law 12-131. — See note to § 30-341.1.

Application of Law 12-131. — See note to § 30-341.1.

Subpart C. Registration and Modification of Child Support Order.

§ 30-346.11. Modification of child support order of another state.

(a) After a child support order issued in another state has been registered in the District, the responding tribunal of the District may modify that order only if § 30-346.13 does not apply and after notice and hearing it finds that:

(1) The following requirements are met:

(A) The child, the individual obligee, and the obligor do not reside in the issuing state;

(B) A petitioner who is a nonresident of this state seeks modification; and

(C) The respondent is subject to the personal jurisdiction of the tribunal of the District; or

(2) The child, or a party who is an individual, is subject to the personal jurisdiction of the tribunal of the District and all of the parties who are individuals have filed written consents in the issuing tribunal for a tribunal of the District to modify the support order and assume continuing, exclusive jurisdiction over the order. However, if the issuing state is a foreign jurisdiction that has not enacted a law or established procedures substantially similar to the procedures under this chapter, the consent otherwise required of an individual residing in the District is not required for the tribunal to assume jurisdiction to modify the child support order.

(b) Modification of a registered child support order is subject to the same requirements, procedures, and defenses that apply to the modification of an order issued by a tribunal of the District and the order may be enforced and satisfied in the same manner.

(c) A tribunal of the District may not modify any aspect of a child support order that may not be modified under the law of the issuing state. If 2 or more tribunals have issued child support orders for the same obligor and child, the order that controls establishes the aspects of the support order which are nonmodifiable, and must be so recognized under § 30-342.7.

(d) On issuance of an order modifying a child support order issued in another state, a tribunal of the District becomes the tribunal having continuing, exclusive jurisdiction. (Feb. 9, 1996, D.C. Law 11-81, § 611, 42 DCR 6748; July 24, 1998, D.C. Law 12-131, § 2(l), 45 DCR 2924.)

Effect of amendments. — D.C. Law 12-131 rewrote the section.

Temporary amendment of section. — Section 2(l) of D.C. Law 12-94 rewrote the section.

Section 4 of D.C. Law 12-94 provided that the act shall apply as of January 1, 1998.

Section 5(b) of D.C. Law 12-94 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments.

For temporary amendment of section, see

§ 2(l) of the Uniform Interstate Family Support Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-310, March 20, 1998, 45 DCR 1950).

Section 4 of D.C. Act 12-310 provided for the application of the act.

Legislative history of Law 12-94. — See note to § 30-341.1.

Legislative history of Law 12-131. — See note to § 30-341.1.

Application of Law 12-131. — See note to § 30-341.1.

§ 30-346.13. Jurisdiction to modify child support order of another state when individual parties reside in the District.

(a) If all of the parties who are individuals reside in the District and the child does not reside in the issuing state, a tribunal of the District has jurisdiction to enforce and to modify the issuing state's child support order in a proceeding to register that order.

(b) A tribunal of the District exercising jurisdiction under this section shall apply the provisions of subchapters I and II of this chapter, and the procedural and substantive law of the District to the proceeding for enforcement or modification. Subchapters III, IV, V, VII, and VIII of this chapter do not apply. (Feb. 9, 1996, D.C. Law 11-81, § 613, as added July 24, 1998, D.C. Law 12-131, § 2(m), 45 DCR 2924.)

Effect of amendments. — D.C. Law 12-131 added this section.

Temporary addition of sections. — Section 2(m) of D.C. Law 12-94 added this section and § 30-346.14.

Section 4 of D.C. Law 12-94 provided that the act shall apply as of January 1, 1998.

Section 5(b) of D.C. Law 12-94 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary addition of section, see § 2(m) of the

Uniform Interstate Family Support Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-310, March 20, 1998, 45 DCR 1950).

Section 4 of D.C. Act 12-310 provided for the application of the act.

Legislative history of Law 12-94. — See note to § 30-341.1.

Legislative history of Law 12-131. — See note to § 30-341.1.

Application of Law 12-131. — See note to § 30-341.1.

§ 30-346.14. Notice to issuing tribunal of modification.

Within 30 days after issuance of a modified child support order, the party obtaining the modification shall file a certified copy of the order with the issuing tribunal that had continuing, exclusive jurisdiction over the earlier order, and in each tribunal in which the party knows the earlier order has been registered. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the modified order of the new tribunal having continuing, exclusive jurisdiction. (Feb. 9, 1996, D.C. Law 11-81, § 614, as added July 24, 1998, D.C. Law 12-131, § 2(m), 45 DCR 2924.)

Effect of amendments. — D.C. Law 12-131 added this section.

Temporary addition of section. — See notes to § 30-346.13.

Emergency act amendments. — For temporary addition of section, see § 2(m) of the Uniform Interstate Family Support Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-310, March 20, 1998, 45 DCR 1950).

Section 4 of D.C. Act 12-310 provided for the application of the act.

Legislative history of Law 12-94. — See note to § 30-341.1.

Legislative history of Law 12-131. — See note to § 30-341.1.

Application of Law 12-131. — See note to § 30-341.1.

CHAPTER 5. CHILD SUPPORT ENFORCEMENT.

Sec.

30-501. Definitions.

§ 30-501. Definitions.

For the purposes of this chapter, the term:

* * * * *

(5) "Dependent child" means any child for whom the District is providing public assistance pursuant to subchapter 5 of Chapter 2 of Title 3 and whose support is required by § 16-916; or any child to whom an obligor owes a duty of support.

* * * * *

(13) "Public assistance" means assistance granted under the District's Temporary Assistance for Needy Families program or Program on Work, Employment, and Responsibility pursuant to subchapter 5 of Chapter 2 of Title 3.

* * * * *

(Apr. 20, 1999, D.C. Law 12-241, § 13, 46 DCR 905; Apr. 20, 1999, D.C. Law 12-264, § 28(b), 46 DCR 2118.)

Effect of amendments. — D.C. Law 12-241 substituted "Temporary Assistance for Needy Families program or Program on Work, Employment, and Responsibility" for "Aid to Families with Dependent Children program" in (13).

D.C. Law 12-264, in (5) and (13), validated previously made technical corrections.

D, of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 et seq.), pertaining to parent locator services, paternity establishment, and the establishment, modification, and enforcement of support orders.

"(13) 'Public assistance' means aid as defined by § 3-201.1(6).

"(15A) 'Spousal support' means a legally enforceable obligation assessed against an individual for the support of a spouse or former spouse who is living with a child for whom the individual also owes support and that is sought, established, modified, or enforced by the IV-D agency.

"(15B) 'Support order' means a judgment, decree, or order, whether temporary, final, or subject to modification, issued by a court or an administrative agency of competent jurisdiction, for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state, or a child and the parent with whom the child is living, which provides for monetary support, health care, arrearages, or reimbursement and which may include related costs and fees, interest and penalties, income withholding, attorneys' fees, and other relief."

"(8A) 'Entity' means a partnership, firm, association, corporation, sole proprietorship, company, organization, or other business, including a governmental and nonprofit organization.

"(8B) 'IV-D agency' means the organizational unit of the District government, or successor organizational unit, that is responsible for administering or supervising the administration of the District's State Plan under title IV, part

Section 15(b) of D.C. Law 12-210 provided that the act shall expire after 225 days of its having taken effect.

Section 13 of D.C. Law 12-230 substituted "Temporary Assistance for Needy Families program or Program on Work, Employment, and Responsibility" for "Aid to Families with Dependent Children program" in (13).

Section 18(b) of D.C. Law 12-230 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments.

For temporary amendment of section, see § 7(a) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(a) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(a) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(a) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

Section 16 of D.C. Act 12-309 provided for the application of the act.

Section 15 of D.C. Act 12-503 provides for the application of the act.

For temporary amendment of section, see § 13 of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 13 of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 13 of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 13 of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-9, February 17, 1999, 46 DCR 2492).

Section 15 of D.C. Act 12-503 provides for the application of the act.

Section 17 of D.C. Act 12-552 provides for the application of the act.

§ 30-502. Findings of Council.

Temporary addition of section. — Section 7(b) of D.C. Law 12-210 added § 30-502.1 to read as follows:

"§ 30-502.1. Centralized Collection and Disbursement Unit.

"(a) The Superior Court is established as the centralized 'Collection and Disbursement Unit' for the collection and disbursement of support payments and shall operate this unit either directly or through a contract or cooperative agreement with another entity.

"(b) The Collection and Disbursement Unit

Section 18 of D.C. Act 13-9 provides for the application of the act.

For temporary repeal of D.C. Law 12-103, see § 13 of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110).

Legislative history of Law 12-210. — Law 12-210, the "Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-657. The Bill was adopted on first and second readings on July 7, 1998, and September 22, 1998, respectively. Signed by the Mayor on October 16, 1998, it was assigned Act No. 12-497 and transmitted to both Houses of Congress for its review. D.C. Law 12-210 became effective on April 13, 1999.

Legislative history of Law 12-230 — Law 12-230, the "Self-Sufficiency Promotion Temporary Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-557. The Bill was adopted on first and second readings on May 5, 1998, and July 30, 1998, respectively. Signed by the Mayor on August 18, 1998, it was assigned Act No. 12-443 and transmitted to both Houses of Congress for its review. D.C. Law 12-230 became effective on April 20, 1999.

Legislative history of Law 12-241. — Law 12-241, the "Self-Sufficiency Promotion Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-558, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998, respectively. Signed by the Mayor on December 23, 1998, it was assigned Act No. 12-573 and transmitted to both Houses of Congress for its review. D.C. Law 12-241 became effective on April 20, 1999.

Legislative history of Law 12-264. — Law 12-264, the "Technical Amendments Act of 1998," was introduced in Council and assigned Bill No. 12-804, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998, respectively. Signed by the Mayor on January 7, 1999, it was assigned Act No. 12-626 and transmitted to both Houses of Congress for its review. D.C. Law 12-264 became effective on April 20, 1999.

shall collect and disburse support payments under support orders in all cases enforced by the IV-D program and all other cases in which the support order was initially issued in the District on or after January 1, 1994, and in which the income of the noncustodial parent has been subject to withholding. Unit operations involving cases enforced by the IV-D program will be conducted in coordination with the automated system maintained by the IV-D agency.

"(c) The Collection and Disbursement Unit

shall be the instrumentality for withholding earnings and other income under this chapter.

“(d) The Collection and Disbursement Unit shall use automated procedures, electronic processes, and computer-driven technology to the maximum extent feasible, efficient, and economical, for the collection and disbursement of support payments, including procedures:

“(1) For receipt of payments from parents, employers, and other states and for disbursements to custodial parents and other obligee's, the IV-D agency, and the agencies of other states;

“(2) For accurate identification of payments;

“(3) To ensure prompt disbursement of the custodial parent's share of any payment; and

“(4) To furnish to any parent, upon request, timely information on the current status of support payments under an order requiring payments to be made by or to the parent. The Collection and Disbursement Unit shall not be required to convert and maintain, in automated form, records of payments made prior to August 22, 1996, in cases subject to wage withholding that are enforced pursuant to the IV-D program.

“(e) The Collection and Distribution Unit shall distribute all amounts payable within 2 business days after receipt from the employer or other holder if sufficient information identifying the payee is provided. The Collection and Distribution Unit may delay the distribution of collections toward arrearages until any appeal with respect to such arrearages has been resolved.

“(f) The Collection and Distribution Unit shall use the automated system maintained by the IV-D agency to the maximum extent feasible to assist and facilitate the collection and disbursement of support payments, including, at a minimum:

“(1) Transmission of orders and notices to

employers and other debtors for the withholding of income:

“(A) Within 2 business days after receipt of notice of such withholding (including identification of the income source subject to withholding) from a court, a state, an employer, the Federal Parent Locator Service, or another source recognized by the District; and

“(B) Using uniform formats prescribed by federal regulation or policy;

“(2) Ongoing monitoring to promptly identify failures to make timely payment of support; and

“(3) Automatic use of enforcement procedures if payments are not timely made.”

Section 15(b) of D.C. Law 12-210 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary addition of § 30-502.1, see § 7(b) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(b) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(b) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(b) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

Section 16 of D.C. Act 12-309 provided for the application of the act.

Section 15 of D.C. Act 12-503 provides for the application of the act.

Legislative history of Law 12-210. — See note to § 30-501.

§ 30-503. Subrogation of District; notice to caretakers.

Cited in Voytsechovska v. Albert, 126 WLR 849 (Super. Ct. 1998).

§ 30-504. Amendment of order establishing alimony, child support, or maintenance; award as money judgment.

Temporary amendment of section. — Section 7(c) of D.C. Law 12-210 amended (a) to read as follows:

“(a) Any order requiring payment of an amount of child support, regardless of whether the amount of the child support was the subject of a voluntary agreement of the parties, may be modified upon a showing that there has been a substantial and material change in the needs of the child or the ability of the responsible relative to pay since the day on which the order was

issued. A showing or proof of a change in circumstances shall not be required to modify a support order that is being reviewed pursuant to § 16-916.1(o)(2).”

Section 15(b) of D.C. Law 12-210 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 7(c) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1997 (D.C. Act

12-222, December 23, 1997, 44 DCR 114), § 7(c) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(c) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(c) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

Section 16 of D.C. Act 12-309 provided for the application of the act.

§ 30-505. Contents of order.

Temporary amendment of section. — Section 7(d) of D.C. Law 12-210 amended the introductory paragraph, (2), and (3), and added (4), (5), and (6) to read as follows:

“All support orders, whether they are original orders or modifications of existing orders, shall contain the following information in addition to the notice required by § 30-506:

“(2) Notice that if withholding commences, all payments shall be made through the Collection and Disbursement Unit and any other payments shall be considered a gift and shall not offset the duty of support ordered by the Court;

“(3) A provision that directs the parties to file and update with the IV-D agency and with the Collection and Disbursement Unit the information required by § 30-526.1;

“(4) Terms providing for the payment of the child’s medical expenses, whether or not health insurance is available to pay for those expenses, which shall include a provision directing the obligor and obligee to notify the IV-D agency and the Collection and Disbursement Unit, of the following:

“(A) Any change in either the obligor’s or the obligee’s access to health insurance coverage for the child or the reasonableness of the costs of coverage; and

“(B) All health insurance policy information necessary to enroll the child in the health insurance to which the obligor or obligee has access;

“(5) Notice that if the obligor provides health insurance coverage for the child and changes to another employer that provides health care coverage, the IV-D agency or the Collection and Disbursement Unit will notify the new employer of the health insurance coverage provision in the support order (receipt of the notice by the employer shall operate to enroll the child in the obligor’s health plan with his new employer, unless the obligor contests the notice in accordance with rules adopted by the Mayor or the Superior Court, as appropriate); and

Section 15 of D.C. Act 12-503 provides for the application of the act.

For temporary repeal of D.C. Law 12-103, see § 13 of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110).

Legislative history of Law 12-210. — See note to § 30-501.

Cited in *Voytsechovska v. Albert*, 126 WLR 849 (Super. Ct. 1998).

“(6) Notice that the amount and name of the obligor and obligee of all support orders entered, modified, registered, or enforced in the District after December 23, 1997, shall be reported to a consumer credit reporting agency, if the obligor’s support obligations are over 30 days past due.”

Section 15(b) of D.C. Law 12-210 provided that the act shall expire after 225 days of its having taken effect.

Temporary addition of section. — Section 7(e) of D.C. Law 12-210 added § 30-505.1 to read as follows:

“§ 30-505.1. Inclusion of Social Security numbers in child or spousal support records.

“The Social Security number of each individual who is party to a support order shall be included in the Superior Court and IV-D agency records relating to the order.”

Section 15(b) of D.C. Law 12-210 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments.

For temporary amendment of section, see § 7(d) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(d) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(d) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(d) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

Section 16 of D.C. Act 12-309 provides for the application of the act.

For temporary addition of § 30-505.1, see § 7(e) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(e) of the Child Support and Welfare Reform Compliance

Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(e) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(e) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

Section 16 of D.C. Act 12-309 provides for the application of the act.

§ 30-506. Service.

Temporary amendment of section. — Section 7(f) of D.C. Law 12-210 amended (a) and added (b-1) to read as follows:

“(a) In any case brought in Court under § 11-1101(1), (3), (10), or (11), involving the establishment of child support or in any case seeking to modify an existing support order, notice shall be issued to the alleged responsible relative by the Clerk of the Family Division of the Court stating that a hearing to determine the matter of child support has been scheduled. This hearing shall be scheduled within 45 days from the date the application is filed by the Clerk.

“(b-1) In any support enforcement action following entry of a support order, upon showing that a diligent effort which includes more than a search of IV-D agency and Collection and Disbursement records has been made to ascertain the location of a party, the Superior Court shall accept as adequate service on the party delivery by first-class mail of any pleading or notice to the most recent residential or employer address filed by the party with the IV-D agency or the Collection and Disbursement

Section 15 of D.C. Act 12-503 provides for the application of the act.

For temporary repeal of D.C. Law 12-103, see § 13 of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110).

Legislative history of Law 12-210. — See note to § 30-501.

Unit pursuant to section 36.”

Section 15(b) of D.C. Law 12-210 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 7(f) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(f) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(f) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(f) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

Section 16 of D.C. Act 12-309 provides for the application of the act.

Section 15 of D.C. Act 12-503 provides for the application of the act.

Legislative history of Law 12-210. — See note to § 30-501.

§ 30-507. Enforcement by withholding.

Temporary amendment of section. — Section 7(g) of D.C. Law 12-210 amended (a) and (b) to read as follows:

“(a) Repealed.

“(b) All support orders, whether they are original orders or modifications of existing orders, shall contain the following:

“(2) The name, address, and telephone number of the obligor’s current employer and a provision that the obligor has a duty to notify the Collection and Disbursement Unit within 10 days of any change of this information;

“(4) In the case of a support order that is issued or modified on or after November 1,

1990, a finding of good cause not to require immediate withholding shall be based on at least:

“(B) If the modification of a support order is at issue, a written explanation that there is proof of timely payment of previously ordered support obligations;

“(5) Terms providing for the payment of the child’s medical expenses, whether or not health insurance is available to pay for those expenses, which shall include a provision directing the obligor and obligee to notify the IV-D agency, and the Collection and Disbursement Unit, of the following:

“(A) Any change in either the obligor’s or the obligee’s access to health insurance coverage

for the child or in the reasonableness of the costs of coverage; and

“(B) All health insurance policy information necessary to enroll the child in the health insurance to which the obligor or obligee has access.

“(6) Notice that if the obligor provides health insurance coverage for the child and changes to another employer that provides health care coverage, the IV-D agency or the Collection and Disbursement Unit will notify the new employer of the health insurance coverage provision in the support order, receipt of the notice by the employer from the IV-D agency or Collection and Disbursement Unit shall operate to enroll the child in the obligor’s health plan with the new employer, unless the obligor contests the notice in accordance with rules adopted by the Mayor or the Superior Court, as appropriate;

“(7) Notice that the amount and name of the obligor and obligee of all support orders entered, modified, registered, or enforced in the District after December 23, 1997, shall be reported to a consumer credit reporting agency, if the obligor’s support obligations are over 30 days past due; and

“(8) A provision that directs the parties to file and update with the IV-D agency and with the Collection and Disbursement Unit the information required by section 36.”

Section 15(b) of D.C. Law 12-210 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments.

For temporary amendment of section, see § 7(g) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(g) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(g) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(g) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

Section 16 of D.C. Act 12-309 provides for the application of the act.

Section 15 of D.C. Act 12-503 provides for the application of the act.

For temporary repeal of D.C. Law 12-103, see § 13 of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110).

Legislative history of Law 12-210. — See note to § 30-501.

§ 30-508. Withholding.

Temporary amendment of section. — Section 7(h) of D.C. Law 12-210 added (d) to read as follows:

“(d) Nothing in this act shall be construed to require a judicial or administrative hearing before initiation of withholding if there are arrearages equal to 30 days of support, except as may be required pursuant to section 11 to resolve a properly filed objection to a notice of intent to withhold.”

Section 15(b) of D.C. Law 12-210 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 7(h) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 45 DCR 309), § 7(h) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998

(D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(h) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(h) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

Section 16 of D.C. Act 12-309 provides for the application of the act.

Section 15 of D.C. Act 12-503 provides for the application of the act.

For temporary repeal of D.C. Law 12-103, see § 13 of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110).

Legislative history of Law 12-210. — See note to § 30-501.

§ 30-509. Notice of intent to withhold.

Temporary amendment of section. — Section 7(i) of D.C. Law 12-210 amended (a), (b), and (c) to read as follows:

“(a) For any order listed in § 30-507(c)(1), (2), (3), (4), or (7) where there are arrearages equal to 30 days of support payments, any caretaker, custodian, responsible relative, or

the Mayor may apply to the Collection and Disbursement Unit to issue a notice of intent to withhold and the Collection and Disbursement Unit shall issue to the obligor, by certified mail, a notice of intent to withhold and shall certify the date the notice is mailed. The Mayor shall apply to the Collection and Disbursement Unit

to issue a notice of intent to withhold in all child support cases in which a child support order was issued effective before October 1, 1990, and being enforced under 42 U.S.C. § 651 et seq., where there are arrearages equal to 30 days of support payments.

“(b) For any order listed in § 30-507(c)(5) or (6), any caretaker, custodian, responsible relative, or agency may apply to the Collection and Disbursement Unit to issue a notice of intent to withhold upon compliance with the requirements of § 30-522. The Collection and Disbursement Unit shall issue to the obligor by certified mail a notice of intent to withhold and shall certify the date the notice is mailed.

“(c) The notice of intent to withhold as required in subsections (a) and (b) of this section shall include the following:

“(4) A statement that, unless the obligor files an objection to contest the withholding within 15 days of the date the notice was mailed to the obligor, the Collection and Disbursement Unit will notify the holder to commence the withholding;

“(7) A statement that, within 10 days after termination or change of employment or change of the obligor’s home address, the obligor shall notify the Collection and Disbursement Unit and provide the following information:

“(B) The obligor’s residential and mailing address and telephone number;

“(C) Name, address, and telephone number of all employers, including all names under which each employer does business, and, if the party is self-employed the party’s business address and all names under which the party does business; and

“(D) Driver’s license number; and”

Section 15(b) of D.C. Law 12-210 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments.

For temporary amendment of section, see § 7(i) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(i) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(i) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(i) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

Section 16 of D.C. Act 12-309 provides for the application of the act.

Section 15 of D.C. Act 12-503 provides for the application of the act.

For temporary repeal of D.C. Law 12-103, see § 13 of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110).

Legislative history of Law 12-210. — See note to § 30-501.

§ 30-510. Objections to withholding.

Temporary amendment of section. — Section 7(j) of D.C. Law 12-210 amended (a), (d), and (e)(5) to read as follows:

“(a) The Collection and Disbursement Unit shall issue the notice of withholding pursuant to § 30-511 unless the obligor files an objection to contest the withholding pursuant to this section within 15 days after the notice of intent to withhold is mailed.

“(d) Payment of arrearages after the date of the application to the Collection and Disbursement Unit for the issuance of a notice of intent to withhold pursuant to subsection (b) of this section is not a defense to the withholding.

“(e)

“(5) If the Court determines that the amount to be withheld as a periodic payment exceeds the limits of 15 U.S.C. § 1673(b), the Court

shall direct the Collection and Disbursement Unit to issue a notice of withholding to the holder that complies with those limits.”

Section 15(b) of D.C. Law 12-210 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 7(j) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-309, March 23, 1998, 45 DCR 1923), § 7(j) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(j) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(j) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

Section 16 of D.C. Act 12-309 provides for the application of the act.

Section 15 of D.C. Act 12-503 provides for the application of the act.

§ 30-511. Notice of withholding to the holder.

Temporary amendment of section. —

Section 7(k) of D.C. Law 12-210 amended (a), (a-1), and (b), and added (a-2) to read as follows:

“(a) After issuance of the notice of intent to withhold, and the determination, against the obligor, of any objections raised by the obligor under § 30-510, but within 45 days from the date the notice of intent to withhold was issued to the obligor, the Collection and Disbursement Unit shall issue a notice to the holder.

“(a-1) In the case of immediate wage withholding, the Collection and Disbursement Unit shall issue a notice to withhold within 15 days of the date the support order is issued if the employer’s address is known, or if the employer’s address is unknown, within 15 days of locating the employer’s address.

“(a-2) Notwithstanding subsection (a) of this section, the Collection and Disbursement Unit may execute a withholding order by issuing to the holder a notice to withhold, including issuing the notice electronically, without providing prior notice to the child support or spousal support obligor in a case in which an original support order or a modification of a support order is effective after December 23, 1997.

“(b) The notice issued under subsections (a), (a-1), and (a-2) of this section shall explain the following:

“(2) That, if the holder is the obligor’s employer, the holder must send the withheld amount to the Collection and Disbursement Unit at the same time the obligor is paid except as provided in § 30-512(a) and (e).

“(3) That the holder may deduct and retain an additional \$2 for processing costs or, if applicable, an amount permitted under § 30-512(e);

§ 30-512. Holder’s duty to withhold and make payments.

Temporary amendment of section. —

Section 7(l) of D.C. Law 12-210 amended (a) and (b), and added (e) to read as follows:

“(a) Except as provided in subsection (e) of this section, a holder required to withhold income shall withhold and make payment to the Collection and Disbursement Unit no later than 7 business days after the date the amount would have been paid or credited to the obligor. Thereafter, the holder shall send the required withholding to the court on the same date that the obligor is compensated.

“(b) When the holder has received written

Legislative history of Law 12-210. — See note to § 30-501.

“(4) That the withholding is binding on the holder until further notice by the Collection and Disbursement Unit;

“(10) That the holder shall give notice to the Collection and Disbursement Unit of termination of employment of the obligor as required by § 30-516.”

Section 15(b) of D.C. Law 12-210 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments.

For temporary amendment of section, see § 7(k) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(k) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(k) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(k) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

Section 16 of D.C. Act 12-309 provides for the application of the act.

Section 15 of D.C. Act 12-503 provides for the application of the act.

For temporary repeal of D.C. Law 12-103, see § 13 of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110).

Legislative history of Law 12-210. — See note to § 30-501.

notice of any legal proceedings challenging the withholding or the judgment or order of support on which it is based, the holder shall continue to withhold the payments from the obligor until receipt of a notice from the Collection and Disbursement Unit informing the holder to cease the withholding.

“(e) Notwithstanding any other provision of this chapter, if an employer receives an income withholding order issued by another state, the employer shall apply the income withholding

law of the state of the obligor's principal place of employment in determining:

"(1) The employer's fee for processing an income withholding order;

"(2) The maximum amount permitted to be withheld from the obligor's income;

"(3) The time periods within which the employer must implement the income withholding order and forward the child support payment;

"(4) The priorities for withholding and allocating income withheld for multiple child support obligee's; and

"(5) Any withholding terms or conditions not specified in the order."

Section 15(b) of D.C. Law 12-210 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments.

For temporary amendment of section, see § 7(l) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(l) of the Child Support and

Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(l) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(l) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

Section 16 of D.C. Act 12-309 provides for the application of the act.

Section 15 of D.C. Act 12-503 provides for the application of the act.

For temporary repeal of D.C. Law 12-103, see § 13 of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110).

Legislative history of Law 12-210. — See note to § 30-501.

§ 30-514. Termination of withholding.

Temporary amendment of section. — Section 7(m) of D.C. Law 12-210 amended this section to read as follows:

"(a) Withholding shall terminate:

"(1) When the support obligation has been terminated and the total arrearage has been satisfied;

"(2) When the holder, by reason of termination of employment or other reason, no longer holds earnings or other income payable to the obligor;

"(3) When the payee has failed to give notice to the Collection and Disbursement Unit of a change of address as required by subsections (b) and (c) of this section; or

"(4) When the foreign jurisdiction gives notice to the Collection and Disbursement Unit that withholding is no longer required.

"(b) If the address of a payee changes, the payee, within a reasonable time, shall notify the Collection and Disbursement Unit.

"(c) If, because of the failure of a payee to give notice under this section, the Collection and Disbursement Unit is unable, for a 3-month period, to deliver payments owed pursuant to the withholding order, the Collection and Disbursement Unit shall return each undeliverable payment to the obligor and inform

the holder to cease the withholding."

Section 15(b) of D.C. Law 12-210 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 7(m) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(m) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(m) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(m) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

Section 16 of D.C. Act 12-309 provides for the application of the act.

Section 15 of D.C. Act 12-503 provides for the application of the act.

Legislative history of Law 12-210. — See note to § 30-501.

§ 30-515. Lapse of order of withholding.

Temporary amendment of section. — Section 7(n) of D.C. Law 12-210 amended this section to read as follows:

"An order of withholding issued by the Collection and Disbursement Unit or other appropriate agency upon a judgment or order for

support and issued within 12 years from the date of the judgment or order shall not lapse or become invalid before complete satisfaction solely by reason of the expiration of the period of limitation set forth in § 15-101."

Section 15(b) of D.C. Law 12-210 provided

that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 7(n) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(n) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(n) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of

1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(n) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

Section 16 of D.C. Act 12-309 provides for the application of the act.

Section 15 of D.C. Act 12-503 provides for the application of the act.

Legislative history of Law 12-210. — See note to § 30-501.

§ 30-516. Termination of employment.

Temporary amendment of section. — Section 7(o) of D.C. Law 12-210 amended this section to read as follows:

“(a) Within 10 days after an employer receives notice that the obligor will terminate employment or within 10 days after the termination, whichever occurs earlier, the employer shall notify the Collection and Disbursement Unit and provide the obligor’s last known address and the name and address of the obligor’s new employer, if known.

“(b) Within 2 business days after the receipt of information regarding the obligor’s new place of employment or within 2 business days after the date information regarding the obligor is entered into the District of Columbia Directory of New Hires pursuant to § 30-526.5, whichever occurs first, the Collection and Disbursement Unit shall notify the obligor’s new employer in accordance with the requirements of § 30-511 that the withholding is binding.”

Section 15(b) of D.C. Law 12-210 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments.

For temporary amendment of section, see

§ 7(o) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(o) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(o) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(o) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

Section 16 of D.C. Act 12-309 provides for the application of the act.

Section 15 of D.C. Act 12-503 provides for the application of the act.

For temporary repeal of D.C. Law 12-103, see § 13 of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110).

Legislative history of Law 12-210. — See note to § 30-501.

§ 30-517. Limitations and priorities.

Temporary amendment of section. — Section 7(p) of D.C. Law 12-210 amended this section to read as follows:

“(a) When there is more than one withholding order against a single obligor under this chapter, the Collection and Disbursement Unit shall prorate the withholdings for current support among the orders up to the limits of § 303(b) of the Consumer Credit Protection Act (15 U.S.C. § 1673(b)).

“(b) If current support payments do not exceed the limits of § 303(b) of the Consumer Credit Protection Act (15 U.S.C. § 1673(b)), payments toward arrearages shall be prorated by the Collection and Disbursement Unit among the orders.”

Section 15(b) of D.C. Law 12-210 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 7(p) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(p) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(p) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(p) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

Section 16 of D.C. Act 12-309 provides for the application of the act.

Section 15 of D.C. Act 12-503 provides for the application of the act.

Legislative history of Law 12-210. — See note to § 30-501.

§ 30-518. Voluntary income withholding.

Temporary amendment of section. — Section 7(q) of D.C. Law 12-210 amended this section to read as follows:

“(a) Any person who is the obligor on a support order of this jurisdiction or another jurisdiction may obtain voluntary income withholding by filing with the Collection and Disbursement Unit a request for withholding and a certified copy of the support order if the order is from another jurisdiction.

“(b) Upon receipt of a request under subsection (a) of this section and appropriate documentation, the Collection and Disbursement Unit shall issue a notice to the holder pursuant to § 30-511. Payment shall be made through the Collection and Disbursement Unit.”

Section 15(b) of D.C. Law 12-210 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 7(q) of the

Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(q) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(q) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(q) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

Section 16 of D.C. Act 12-309 provides for the application of the act.

Section 15 of D.C. Act 12-503 provides for the application of the act.

Legislative history of Law 12-210. — See note to § 30-501.

§ 30-522. Interstate withholding; procedure for entering a support order of another jurisdiction for withholding.

Temporary amendment of section. — Section 7(r) of D.C. Law 12-210 amended (a)(2), (a)(3), (d), (e), (f), and (h) to read as follows:

“(a) Upon receiving a support order of another jurisdiction from an appropriate agency of the other jurisdiction, with the documentation specified in subsection (c) of this section, the following shall take place:

“(2) The Collection and Disbursement Unit shall process withholding under this chapter; and

“(3) The Collection and Disbursement Unit shall issue a notice to withhold pursuant to § 30-511 and, within 15 calendar days of locating the obligor or the holder, the Clerk of the Court shall issue a notice of intent to withhold pursuant to § 30-509, which shall include the following:

“(C) A statement that, if the obligor shows to the Collection and Disbursement Unit that an appeal from the order is pending, will be taken, or that a stay of execution has been granted, the Collection and Disbursement Unit may stay enforcement of the order until the appeal is concluded, the time for appeal has expired, or the order is vacated, upon satisfactory proof that the defendant has furnished security for

payment of the support ordered as required by the initiating jurisdiction.

“(d) If the documentation received by the Court pursuant to subsection (a) of this section does not conform to the requirements of subsection (c) of this section, the Court shall remedy any defect that it can without the assistance of the requesting agency or person. If the Court is unable to make the corrections, the requesting agency or person shall be notified of the necessary additions or corrections. If required by the initiating jurisdiction, the Collection and Disbursement Unit shall provide the information necessary to carry out the withholding within 30 calendar days of receipt of the initiating jurisdiction’s request for information. The Court shall accept the documentation required by subsections (a) and (c) of this section even if it is not in the usual form required by state or local rules, so long as the substantive requirements of these subsections are met.

“(e) If the earnings or other income of the obligor is not derived in the District, the Collection and Disbursement Unit shall notify the initiating jurisdiction that no action will be taken.

“(f) Entry of the order shall not confer jurisdiction on the Court for any purpose other than referring the matter to the Collection and Dis-

bursement Unit for withholding of earnings or other income.

“(h) If the Collection and Disbursement Unit determines that the obligor has obtained employment or has a new or additional source of income in another jurisdiction, it shall notify the agency that requested the income withholding of the changes within 20 working days of receiving the information and shall forward to that agency all information it has or can obtain with respect to the obligor’s new address and the name and address of the obligor’s new employer or other source of income. The Collection and Disbursement Unit shall include with the notice a certified copy of any income withholding order in effect in this jurisdiction.”

Section 15(b) of D.C. Law 12-210 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments.

For temporary amendment of section, see

§ 30-523. Initiation of withholding in other jurisdictions.

Temporary amendment of section. — Section 7(s) of D.C. Law 12-210 amended (a) and the introductory language of (b) to read as follows:

“(a) Where an obligor under support order as described in § 30-507 derives income in another jurisdiction, any caretaker, custodian, responsible relative, or the Mayor may file an application requesting the Collection and Disbursement Unit to request the appropriate agency in the other jurisdiction to issue a notice or order to withhold that income.

“(b) Within 20 calendar days of a determination that a withholding is required in a particular case and receipt of information necessary to carry out the withholding, the Collection and Disbursement Unit shall notify the IV-D agency in the jurisdiction in which the obligor is employed to implement interstate withholding. The notice shall include all information necessary to carry out the withholding, including.”

Section 15(b) of D.C. Law 12-210 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments.

For temporary amendment of section, see § 7(s) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(s) of the Child Support and

§ 7(r) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(r) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(r) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

Section 16 of D.C. Act 12-309 provides for the application of the act.

Section 15 of D.C. Act 12-503 provides for the application of the act.

Legislative history of Law 12-210. — See note to § 30-501.

Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(s) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(s) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

Section 16 of D.C. Act 12-309 provides for the application of the act.

Section 15 of D.C. Act 12-503 provides for the application of the act.

Legislative history of Law 12-210. — See note to § 30-501.

Enforcement by direct interstate service of income withholding order. — Court’s order for child support could be enforced by direct interstate service of income withholding orders upon father’s employer in Virginia where father received numerous notices of intent to withhold wages and did not object, there was no evidence that he was required to pay more than the ordered amount, and no indication that he suffered any substantial detriment. *Desai v. Fore*, App. D.C., 711 A.2d 822 (1998).

§ 30-524. Enforcement of orders by means other than income withholding.

Temporary amendment of section. — Section 7(t) of D.C. Law 12-210 amended this section to read as follows:

“(a) A lien is created by operation of law against the real and personal property of a child support or spousal support obligor who

resides or owns property in the District for amounts of overdue support, as defined by section 466(e) of the Social Security Act, approved August 16, 1984 (98 Stat. 1306; 42 U.S.C. § 666(e)), that are owed by the obligor. In addition to withholding of earnings or other income, this lien shall be separate from and in addition to any other lien created by or provided for under law. The IV-D agency or the custodian to whom support is payable shall have the priority of a secured creditor.

“(b) The lien shall be enforceable from the date the lien is filed and recorded in the Office of the Recorder of Deeds of the District of Columbia. A lien may be enforced by the IV-D agency or the custodian to whom support is payable. This remedy does not affect the availability of other remedies provided by law.

“(c) If a lien has been filed in accordance with subsection (a) of this section, and a person having notice of the lien possesses nonexempt personal property of the obligor that may be subject to the lien, the property may not be paid over, released, sold, transferred, encumbered, or conveyed unless:

“(1) A release of lien is signed by the party who filed the lien; or

“(2) A court, after notice to the claimant and hearing, has ordered the release of the lien because arrearages do not exist.

“(d) The District shall accord full faith and credit to liens described in subsection (a) of this section that arise in another state, if the other state's IV-D agency, a party to a support action, or other entity seeking to enforce such a lien complies with the procedural rules relating to

recording or serving liens that arise in the District, except that judicial notice or hearing prior to enforcement of the lien shall not be required.”

Section 15(b) of D.C. Law 12-210 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments.

For temporary amendment of section, see § 7(t) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(t) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(t) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(t) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

Section 16 of D.C. Act 12-309 provides for the application of the act.

Section 15 of D.C. Act 12-503 provides for the application of the act.

For temporary repeal of D.C. Law 12-103, see § 13 of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110).

Legislative history of Law 12-210. — See note to § 30-501.

§ 30-524.1. Interception of lottery prizes for delinquent child support payments.

Temporary amendment of section. — Section 7(u) of D.C. Law 12-210 amended (a) to read as follows:

“(a) In the case of orders being enforced by the IV-D agency, the Mayor may intercept a lottery prize winning, including a lump sum or periodic payment that is derived from a previously claimed prize, of an individual who owes delinquent support, as defined in section 466(e) of the Social Security Act, approved August 16, 1984 (98 Stat. 1310; 42 U.S.C. § 666(e)).”

Section 15(b) of D.C. Law 12-210 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 7(u) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR

1923), § 7(u) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(u) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(u) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

Section 16 of D.C. Act 12-309 provides for the application of the act.

Section 15 of D.C. Act 12-503 provides for the application of the act.

Legislative history of Law 12-210. — See note to § 30-501.

§ 30-525. Reporting and publication of delinquent accounts.

Temporary amendment of section. — Section 7(v) of D.C. Law 12-210 amended this section to read as follows:

“(a) The IV-D agency shall report to a consumer credit reporting agency, as defined in 15 U.S.C. 1681a(f), each support order that was entered, modified, registered, or is being enforced in the District, if the obligor’s support obligations are over 30 days past due.

“(a-1) The IV-D agency shall develop standards for consumer credit reporting that shall be consistent with credit reporting industry standards and reporting format.

“(a-2) A report of a support order shall include, at a minimum, the amount of the obligation, the amount paid, the amount overdue (if any), and the names of the obligor and obligee. The IV-D agency shall update this information on a quarterly basis.

“(a-3) The IV-D agency is responsible for the accuracy of information provided pursuant to this section. The information shall be based upon the data available at the time the information is provided to a consumer credit reporting agency. The IV-D agency and the credit reporting agency shall follow reasonable procedures to ensure accuracy of the information provided. The IV-D agency shall not be liable for any consequences of the failure of an obligor or the obligee to contest the accuracy of the information within the time allowed under subsection (c) of this section.

“(b) The Mayor may publish the name, last known address, and amount of overdue support of an obligor, if the obligor’s support payments are more than \$2,000 in arrears. The publication shall be in at least 2 daily and 2 weekly newspapers published and circulated generally in the District of Columbia.

“(c) The IV-D agency shall send notice of the publication or initial consumer credit report by first-class mail to the last known addresses of the obligor and obligee at least 30 days before the publication or initial report. The notice shall inform the obligor and obligee of their right to contest the accuracy of the information to be released.

“(d) The IV-D agency shall provide the obligor and the obligee with an opportunity to contest in writing the accuracy of the information in a consumer credit report or publication.

If the IV-D agency receives a written objection contesting the accuracy of the information, the IV-D agency shall request the credit reporting agency receiving the information to note on the report that the information is being disputed, until the IV-D agency determines the accuracy of the information.

“(e) The only grounds for contesting the accuracy of the information in a consumer credit report or publication are errors in the identities of the obligor or obligee, the amount of the support order, the amount of payment or arrears, or any other fact reported to the credit reporting agency.

“(f) The IV-D agency may enter into a cooperative agreement with another District government agency, the Superior Court, or a private entity to carry out all or part of the functions required of the IV-D agency under this section.”

Section 15(b) of D.C. Law 12-210 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments.

For temporary amendment of section, see § 7(v) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(v) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(v) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(v) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

Section 16 of D.C. Act 12-309 provides for the application of the act.

Section 15 of D.C. Act 12-503 provides for the application of the act.

For temporary repeal of D.C. Law 12-103, see § 13 of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110).

Legislative history of Law 12-210. — See note to § 30-501.

§ 30-525.1. Sanctions.

Temporary amendment of section. — Section 7(w) of D.C. Law 12-210 amended this section to read as follows:

“(a) Notwithstanding any other law or regulation, no car registration or driver’s license shall be renewed or issued to an obligor who

fails to comply with a subpoena or warrant relating to paternity or child support proceedings after receiving notice, or to an obligor who is receiving income and who owes overdue child support in an amount equal to at least 60 days of support. Notwithstanding any other law or

regulation, a car registration or driver's license that has been issued to an obligor who fails to comply with a subpoena or warrant relating to paternity or child support proceedings after receiving notice, or to an obligor who is receiving income and who owes overdue child support in an amount equal to at least 60 days of support payments shall be revoked.

"(b) Notwithstanding any other law or regulation, no professional, business, recreational, or sporting license shall be renewed or issued in the District to an obligor who fails to comply with a subpoena or warrant relating to paternity or child support proceedings after receiving notice, or to an obligor who is receiving income and who owes overdue child support in an amount equal to at least 60 days of support payments. Notwithstanding any other law or regulation, a professional, business or recreational or sporting license that has been issued to an obligor who fails to comply with a subpoena or warrant relating to paternity or child support proceedings after receiving notice, or to an obligor who is receiving income and who owes overdue child support in an amount equal to at least 60 days of support payments, shall be revoked.

"(b-1) As used in this section, the terms "professional license" and "business license" include any approval, certificate, registration, permit, statutory exemption, or other form of permission to practice a profession or trade, or to operate a business, as granted by a commission, agency, or a professional licensing body of the government of the District of Columbia. The terms "recreational license" and "sporting license" include any approval, certificate, registration, permit, statutory exemption, or other form of permission to hunt, fish, use playing fields, participate in an athletic league, operate a boat or other recreational vehicle for a non-business purpose, or operate or own a weapon for a nonbusiness purpose, as granted by a commission, agency, or a licensing body of the government of the District of Columbia.

"(b-2) The obligor shall be entitled to an administrative hearing before the Mayor in accordance with procedures promulgated by the Mayor pursuant to the rulemaking provisions of § 1-1501 et seq.) ("APA"), prior to any proposed denial, refusal to renew, or revocation of a license.

"(b-3) Upon receipt of a notice from the Mayor that a license is subject to denial, refusal to renew, or revocation, the licensing agency shall, within 30 days, deny, refuse to renew, or revoke the license. The obligor may appeal the final decision of the Mayor to the Superior Court in accordance with the methods and standards of appeal set forth in §§ 1-1509 and 1-1510.

"(c) The Mayor shall provide 30-days' written notice to the obligor before denying issuance or renewal, or revoking the car registration or driver's, professional business,

recreational, or sporting license of an obligor pursuant to this section. The notice shall specify:

“(1) That the obligor, has the right to a hearing before the Mayor;

“(2) How, when, and where the notice can be contested;

“(3) The amount of arrears owed, if any;

“(4) The date on which the obligor failed to comply with a subpoena or warrant, if applicable, and the nature of the obligor's noncompliance;

“(5) That the licensing authority will deny issuance or renewal, or revoke the registration or license, 30 days after the issuance of a decision against the obligor by the Mayor following the hearing unless:

“(A) In the case of an obligor who is receiving income and who owes overdue child support in an amount equal to at least 60 days of support, the obligor pays the arrearage in full, or the obligor agrees to and complies with a payment schedule that requires the obligor to make monthly child support payments toward overdue support in an amount equal to 25% of the obligor's current monthly child support obligation as long as the obligor is receiving income, subject to the limitations of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 146; 15 U.S.C. § 1601 et seq.) (if the obligor becomes noncompliant with the payment schedule after 30 days but before the arrears are paid in full, denial or revocation shall take place immediately and without further notice);

“(B) In the case of an obligor who has failed to comply with a subpoena or warrant related to paternity or child support proceedings, the obligor complies with all process required by the Superior Court or IV-D agency for 30 days; or

“(C) In the case of an obligor who is receiving income and who owes at least 60 day's of overdue child support and has failed to comply with a subpoena or warrant related to paternity or child support proceedings, the obligor complies with both subparagraphs (A) and (B) of this paragraph; and

“(6) That the obligor shall not be entitled to an additional hearing or review regarding the denial or revocation of the license.

“(d) The Mayor shall provide the obligor with the opportunity to demonstrate why his or her registration or license should not be denied or revoked under this section. The only issues to be determined are as follows:

“(2) Whether the arrearage has been paid in full, or whether a payment schedule has been agreed to and complied with, if the basis for denial or revocation is failure to pay overdue child support;

“(3) Whether the obligor is currently receiving income, if the basis for denial or revocation

is failure to pay overdue child support;

“(3A) Whether the obligor failed to comply with a subpoena or warrant relating to paternity or child support proceedings after receiving notice; and

“(4) Whether the driver’s license or car registration or professional, business, recreational, or sporting license, license should be revoked, or the issuance or renewal should be denied.

“(e) If the Clerk of the Court has notified the Mayor that an obligor has failed to comply with a subpoena or warrant relating to paternity or child support proceedings or that an obligor is receiving income and owes child support in an amount equal to at least 60 days of support, and the obligor presents no evidence under subsection (d) of this section that the obligor has complied with the terms described in subsection (c) (4) (A), (B), or (C) of this section, as applicable, the obligor’s license or registration shall be revoked, or the request for the issuance or renewal of the license or registration shall be denied.

“(g) No liability shall be imposed on a licensing authority for refusing to renew, refusing to issue, or revoking a registration or license if the action is in response to a court or administrative order pursuant to this section.”

Section 15(b) of D.C. Law 12-210 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments.

For temporary amendment of section, see § 7(w) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(w) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(w) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(w) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

Section 16 of D.C. Act 12-309 provides for the application of the act.

Section 15 of D.C. Act 12-503 provides for the application of the act.

For temporary repeal of D.C. Law 12-103, see § 13 of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110).

Legislative history of Law 12-210. — See note to § 30-501.

§ 30-526. Limitation of liability.

Temporary amendment of section. — Section 7(x) of D.C. Law 12-210 amended this section to read as follows:

“(a) Neither the District nor its officers or employees shall be responsible for any injury resulting from the improper enforcement of a lien or for improper enforcement of a notice of income withholding, except that the District, its officers, and employees shall be liable for damages caused by gross negligence in the enforcement of liens or withholdings.

“(b) A holder who complies with an income withholding notice that is regular on its face shall not be subject to civil liability to any individual or agency for conduct in compliance with that notice.

“(c) No public or private entity shall be liable for injury resulting from providing access to records under §30-526.3(a)(2) through (4).”

Section 15(b) of D.C. Law 12-210 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For tem-

porary amendment of section, see § 7(x) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(x) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(x) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(x) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

Section 16 of D.C. Act 12-309 provides for the application of the act.

Section 15 of D.C. Act 12-503 provides for the application of the act.

Legislative history of Law 12-210. — See note to § 30-501.

§ 30-526.1. Funding.

Temporary addition of sections. — Section 7(y) of D.C. Law 12-210 added §§ 30-526.2 to 30-526.11 to read as follows:

“§ 30-526.2. Filing of identifying information by parties to paternity and support proceedings.

“(a) Upon the first personal appearance before the IV-D agency or the Court in a paternity or child support matter, or upon entry of an order of paternity or child support whichever is earlier, each party to a paternity or child support proceeding in the District of Columbia shall file and update as necessary with the IV-D agency and with the Collection and Disbursement Unit the following information:

- “(1) Name;
- “(2) Residential and mailing addresses and telephone numbers;
- “(3) Name, address, and telephone number of all employers, including all names under which each employer does business, and, if the party is self-employed, the party’s business address and all names under which the party does business;
- “(4) Social Security number; and
- “(5) Driver’s license number.

“(b) Provision of information pursuant to subsection (a) of this section shall be subject to the safeguards provided to victims or potential victims of domestic violence provided in D.C. Code § 16-925 and subject to any applicable privacy protections under federal or District law.

“(c) A party shall update any information required pursuant to subsection (a) of this section within 10 days of any change in that information.”

“§ 30-526.3. Authority of IV-D agency to expedite paternity and support processes.

“(a) The IV-D agency may take the following actions relating to paternity establishment or the establishment, modification, or enforcement of support orders without obtaining an order from any judicial or other administrative tribunal:

“(1) Order genetic testing relating to the establishment of paternity;

“(2) Issue an administrative subpoena to an individual or public or private entity (including a financial institution) for financial or other information needed to establish, modify, or enforce a support order, which may include information from a public utility or cable television company that provides the name and address of a customer or a customer’s employer as well as information in paragraph (3) of this subsection;

“(3) Require a public or private entity in the District to provide promptly, in response to a request from the District’s IV-D agency or any other state’s IV-D agency, information on the employment status, number of hours worked, title, employment start date, employment termination date (if applicable), whether the employee ever quit voluntarily, location of work site, compensation, and benefits (including access to health insurance) of any employee of the entity, or of one of its contractors;

“(4) Obtain prompt access, including automated access, to information in the following records maintained or possessed by the District

government, subject to any applicable privacy provisions under District or federal law:

- “(A) Vital records maintained by the Registrar and the court;
- “(B) Tax and revenue records;
- “(C) Records of real and titled personal property;
- “(D) Records of occupational, professional, recreational, and sporting licenses issued under any District law or regulation;
- “(E) Records concerning the ownership and control of corporations, partnerships, and other business entities;
- “(F) Employment security records, subject to such restrictions as the Mayor may, by regulation, prescribe pursuant to § 46-101 et seq.);
- “(G) Records concerning public assistance, as defined in § 3-201.1 (“Public Assistance Act”), subject to confidentiality restrictions set forth in the Public Assistance Act or prescribed by the Mayor;
- “(H) Records maintained by the Department of Public Works Bureau, Bureau of Motor Vehicle Services;
- “(I) Records maintained by the Department of Corrections; and
- “(J) Social security numbers on file if submitted in an application;

“(5) Direct an obligor or other payor to substitute for the payee of a support order, the appropriate governmental entity, upon notice to the obligor (or other payor) and obligee by first-class mail to their last known address, if the support is subject to:

“(A) An assignment to pay the District government under § 3-201.1 et seq., title IV, part E of the Social Security Act, approved June 17, 1980 (94 Stat. 501; 42 U.S.C. § 670 et seq.), or section 1912 of the Social Security Act, approved October 25, 1977 (91 Stat. 1196; 42 U.S.C. § 1396k); or

“(B) A requirement to pay support through the Collection and Disbursement Unit;

“(6) Order income withholding, including the amount of periodic support payments and any additional amount for overdue support payments;

“(7) When there is a support arrearage, secure assets to satisfy any current support obligation and the support arrearage by:

“(A) Intercepting or seizing periodic or lump-sum payments from:

“(i) Any District agency, including payments for unemployment compensation, worker’s compensation, and other non-means-tested public benefits; and

“(ii) Judgments, settlements; and lotteries (interception or seizure of lottery prize winnings shall be made pursuant to § 30-524.1);

“(B) Attaching and seizing assets owned by the support obligor and held in financial institutions or held in a financial institution by another on behalf of the support obligor;

“(C) Attaching public and private retirement

funds to the extent permitted by federal law; and

“(D) Imposing liens pursuant to § 30-524 and, when appropriate, forcing the sale of property and distribution of proceeds;

“(8) Increase the amount of periodic support payments to include amounts for arrearages, subject to 15 U.S.C. § 1673, to secure overdue support; and

“(9) Enter agreements with financial institutions pursuant to § 26-1123.

“(b) The IV-D agency shall provide to any person or entity, other than another agency of the District government, that is subject to IV-D actions under subsection (a) of this section prior notice of any action under subsection (a) of this section, an opportunity to contest the action with the IV-D agency, and an opportunity for judicial appeal on the record. Sections §§ 1-1509 and 1-1510, respectively, shall apply to such a contest, except that judicial appeal shall take place in the Superior Court.

“(c) A person or entity shall honor an administrative subpoena issued pursuant to subsection (a) (2) of this section to the same extent as a judicial subpoena issued by the Family Division of the Superior Court. If any person or entity neglects or otherwise fails to comply with a subpoena issued pursuant to subsection (a) (2) of this section, the IV-D agency may report this failure to the Superior Court of the District of Columbia, or one of its judges, and the Superior Court and its judges are empowered to compel obedience to the subpoena to the same extent that they may compel obedience to subpoenas issued by the Superior Court.

“(d) As an alternative to judicial enforcement pursuant to subsection (c) of this section, the IV-D agency may impose a civil penalty of up to \$1,000 per incident for failure to comply with a subpoena under subsection (a) (2) of this section, or for failure to comply with a request for information under subsection (a) (3) of this section. The IV-D agency may double the penalty if the failure to comply persists for more than 30 days from the date by which the subpoena or request required compliance. The Mayor IV-D agency may enter a penalty pursuant to this subsection as a judgment in the Superior Court which shall be enforceable by the Corporation Counsel of the District of Columbia.

“(e) An administrative subpoena pursuant to subsection (a) (2) of this section may be served by first-class mail.

“(f) A District agency shall promptly provide information in response to a request by the IV-D agency pursuant to subsection (a) (4) of this section. If a District government agency fails to provide information requested by the IV-D agency pursuant to subsection (a) (4) of this section, the Mayor shall promptly direct the agency to comply within a period specified by the Mayor.

“(g) The Superior Court may issue an ex

parte order to enforce any power asserted by the IV-D agency pursuant to subsection (a) of this section upon petition by the IV-D agency.

“(h) No public or private entity providing the IV-D agency with information or access to information pursuant to this section shall be liable under any District law to any person for providing the information or access.

“(i) The IV-D agency shall promulgate rules pursuant to Chapter 15 of Title 1, to implement this section.”

“§ 30-526.4. Recognition and enforcement of authority of other state IV-D agencies.

“Except as otherwise provided in this chapter, the IV-D agency shall recognize and enforce the authority of a IV-D agency in another state to take the actions specified in § 30-526.3 if those actions were taken in accordance with the laws and procedures of the other state.”

“§ 30-526.5. Access to locate systems.

“The IV-D agency shall develop procedures to ensure that all federal and state agencies engaged in child support enforcement activities under title IV-D of the Social Security Act have access to any system used by the District to locate an individual for purposes related to motor vehicles or law enforcement.”

“§ 30-526.6. Directory of New Hires.

“(a) The Mayor shall establish and maintain a District of Columbia Directory of New Hires, which shall contain information supplied in accordance with subsection (b) of this section.

“(b) Except as specified in subsections (e), (f), and (g), within 20 days of the date an employee begins employment in the District of Columbia, or is rehired, the employer shall supply the following information to the District of Columbia Directory of New Hires:

- “(1) Name of the employee;
- “(2) Address of the employee;
- “(3) Social Security number of the employee;
- “(4) Name of the employer;
- “(5) Address of the employer; and
- “(6) Employer identification number issued to the employer under § 6109 of the Internal Revenue Code of 1986.

“(c) An employer may, at the employer’s option, supply the following information to the District of Columbia Directory of New Hires:

- “(1) Name of an employer contact person;
- “(2) Telephone number of an employer contact person;

“(3) Availability of medical insurance coverage for the employee and the date on which the employee became or will become eligible for the coverage, if appropriate;

“(4) Date of birth of the employee;

“(5) Date of hire of the employee, defined as the first day that the employee performed services for compensation; and

“(6) Employee’s salary, wages, or other compensation.

“(d) Each report required by subsection (b) of this section shall be:

- “(1) Made on a W-4 Internal Revenue Service

form, or, at the option of the employer, an equivalent form;

“(2) Transmitted by first-class mail, magnetically or electronically;

“(3) Entered into the database of the District of Columbia Directory of New Hires within 5 business days of receipt of the report from the employer; and

“(4) Forwarded by the IV-D agency to the National Directory of New Hires within 3 business days of entry of the information under paragraph (3) of this subsection.

“(e) An employer that transmits reports to the District of Columbia Directory of New Hires magnetically or electronically may transmit reports in up to 2 monthly transmissions not less than 12 days nor more than 16 days apart.

“(f) Within 2 business days after the date a report under subsection (b) of this section is entered into the District of Columbia Directory of New Hires, the IV-D agency shall transmit a notice to the employer of the employee directing the employer to withhold from the income of the employee an amount equal to the monthly (or other periodic) child support obligation (including any past due child support obligation of the employee) unless the employee's income is not subject to withholding.

“(g) An employer that has employees in the District and in at least one other state and transmits reports magnetically or electronically may comply with subsection (b) of this section by designating either the District or a state in which the employer has employees and transmitting reports on new hires only to either the District or that state. Any employer transmitting reports pursuant to this subsection shall provide the United States Department of Health and Human Services with written notice of the jurisdiction the employer has designated.

“(h) Any department, agency, or instrumentality of the United States shall comply with this section to the extent permitted by section 453A(b)(1)(C) of the Social Security Act, approved August 22, 1996 (110 Stat. 2105; 42 U.S.C. § 653(i)).

“(i) An employer who fails to comply with this section shall be subject to a civil penalty of \$25 for each employee with respect to whom the employer failed to comply or the employer shall be subject to a civil penalty of \$500 for each employee with respect to whom the employer failed to comply if the noncompliance was the result of a conspiracy between the employer and the employee not to supply the required report or to supply a false or incomplete report. The employer shall be penalized each calendar month until the employer complies. Penalties pursuant to this subsection shall be enforced in the Superior Court by the Corporation Counsel of the District of Columbia.

“(j) The Mayor may contract for services to carry out this section.

“(k) The Mayor shall promulgate rules pur-

suant to Chapter 15 of Title 1 (“APA”), to implement the provisions of this section, including establishment of a procedure for an employer to challenge the imposition of a civil penalty pursuant to subsection (i) of this section with a right to appeal the decision to the Superior Court in accordance with the manner and standards for appeals as set forth in § 1510 of the APA.

“(l) For purposes of this section:

“(1) “Employee” means a person who is an employee within the meaning of chapter 24 of the Internal Revenue Code of 1986, but does not include an employee of a federal or state agency performing intelligence or counterintelligence functions if the head of such agency has determined that reporting pursuant to this section could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission;

“(2) “Employer” has the meaning given to such term in section 3401(d) of the Internal Revenue Code of 1986, and includes any governmental entity and any labor organization as defined under section 2(5) of the National Labor Relations Act, including a hiring hall.

“(3) “New hire” means an employee for whom an employer is required to complete a new Internal Revenue Service Form W-4.

“(m) Information collected for the District of Columbia Directory of New Hires may be used by a federal agency, a state or District agency, or a private entity under contract with a government agency to:

“(1) Establish paternity;

“(2) Establish, modify, and enforce a support order;

“(3) Administer worker's compensation and unemployment insurance programs; and

“(4) Verify eligibility for public assistance programs.”

“§ 30-526.7. Administrative enforcement in interstate cases.

“(a) The IV-D agency shall respond within 5 business days to a request made by another state to enforce a support order. For purposes of this section, “business day” means a day on which District government offices are open for regular business.

“(b) The IV-D agency may request the child support agency of a state or jurisdiction outside of the District of Columbia established pursuant to title IV-D of the Social Security Act to enforce a support order entered in the District of Columbia or in another state or jurisdiction. The request shall include sufficient information to enable the jurisdiction to which the request is transmitted to compare the information about the case to the information in that jurisdiction's database.

“(c) A request by the IV-D agency to another jurisdiction under subsection (b) of this section and a request to the IV-D agency under subsection (a) of this section shall constitute a certification by the requesting jurisdiction of the

amount of arrears accrued under the support order. Such a request shall also constitute a certification that it has complied with all procedural due process requirements that apply to the case.

“(d) The IV-D agency shall maintain records of the number of requests received under this section and the number of cases for which the IV-D agency collected support in response to the requests and the amount collected.

“(e) If a jurisdiction provides assistance to another jurisdiction with respect to a case pursuant to this section, neither jurisdiction shall consider the case to be transferred to the case load of the other jurisdiction.”

“§ 30-526.8. Fraudulent transfers.

“In any case in which the IV-D agency knows of a transfer by a child support judgment debtor pursuant to Chapter 33 of Title 28, with respect to which a *prima facie* case is established, the IV-D agency shall seek to void the transfer or obtain a settlement in the best interest of the child support creditor.”

“§ 30-526.9. Court ordered work requirements.

“In any case in which an individual owes past-due support with respect to a child receiving assistance under TANF, the IV-D agency may request the court to issue an order that requires the individual to pay support in accordance with a plan approved by the Superior Court, or, if the individual subject to such a plan and is not incapacitated, to participate in such work activities as defined in section 407(d) of the Social Security Act as the court or the IV-D agency deems appropriate.”

“§ 30-526.10. Automated procedures.

“The IV-D agency shall have in operation a single District-wide automated data processing

and information retrieval system which has the capability to perform the tasks specified by title IV-D of the Social Security Act.”

“§ 30-526.11. Jurisdiction.

“The IV-D agency and any administrative or judicial tribunal with authority to hear child support and paternity cases shall exert District-wide jurisdiction over the parties.”

Section 15(b) of D.C. Law 12-210 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments.

For temporary additions of §§ 30-526.2 through 30-526.11, see § 7(y) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(y) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(y) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(y) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

Section 16 of D.C. Act 12-309 provides for the application of the act.

Section 15 of D.C. Act 12-503 provides for the application of the act.

For temporary repeal of D.C. Law 12-103, see § 13 of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110).

Legislative history of Law 12-210. — See note to § 30-501.

§ 30-527. Rulemaking authority.

Temporary amendment of section. — Section 7(z) of D.C. Law 12-210 amended this section to read as follows:

“The Mayor, pursuant to title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code § 1-1501 et seq.), shall issue rules to implement the provisions of this act and the Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998.”

Section 15(b) of D.C. Law 12-210 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 7(z) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(z) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12,

1998, 45 DCR 6110), § 7(z) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(z) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

Section 16 of D.C. Act 12-309 provides for the application of the act.

Section 15 of D.C. Act 12-503 provides for the application of the act.

For temporary repeal of D.C. Law 12-103, see § 13 of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110).

Legislative history of Law 12-210. — See note to § 30-501.

TITLE 31. EDUCATION AND CULTURAL INSTITUTIONS.

Chapter

1.	Board of Education.....	§§ 31-101 to 31-122.
1B.	School-based Budgeting and Accountability.....	§§ 31-151 to 31-157.
4.	Compulsory School Attendance.....	§§ 31-401 to 31-471.
18A.	Education for the Deaf.....	§§ 31-1841.1 to 31-1861.
29.	Uniform Per Student Funding Formula.....	§§ 31-2901 to 31-2912.

CHAPTER 1. BOARD OF EDUCATION.

§ 31-101. Composition; election; term of office; vacancies; meetings.

Cited in Shook v. District of Columbia Fin. Responsibility & Mgt. Assistance Auth., 132 F.3d 775 (D.C. Cir. 1998).

§ 31-107. Superintendent; appointment; term of office; duties.

Section references. — This section is referred to in § 47-2853.4.

Authority of Board.

An order of the Control Board, which (1) established an Emergency Transitional Education Board of Trustees, (2) delegated the powers and authority of the existing Board of Education to the Board of Trustees, and (3) authorized the Control Board to discharge the existing Superintendent, was inconsistent with the authority of the existing Board of Education,

and thus exceeded the Control Board's authority to step into the shoes of the Board of Education. Shook v. District of Columbia Fin. Responsibility & Mgt. Assistance Auth., 132 F.3d 775 (D.C. Cir. 1998).

Delegation of authority. — The Board of Education cannot delegate executive functions or policy making authority to anyone but the Superintendent. Shook v. District of Columbia Fin. Responsibility & Mgt. Assistance Auth., 132 F.3d 775 (D.C. Cir. 1998).

§ 31-110. Removal of Superintendent.

Authority of Board. — An order of the Control Board, which (1) established an Emergency Transitional Education Board of Trustees, (2) delegated the powers and authority of the existing Board of Education to the Board of Trustees, and (3) authorized the Control Board to discharge the existing Superintendent, was

inconsistent with the authority of the existing Board of Education, and thus exceeded the Control Board's authority to step into the shoes of the Board of Education. Shook v. District of Columbia Fin. Responsibility & Mgt. Assistance Auth., 132 F.3d 775 (D.C. Cir. 1998).

§ 31-114. Qualifications required of teachers and officials.

Repealed.

(June 20, 1906, 34 Stat. 319, ch. 3446, § 6; June 26, 1912, 37 Stat. 156, ch. 182; Feb. 25, 1929, 45 Stat. 1276, ch. 314, § 1; 1973 Ed., § 31-114; Mar. 16, 1982, D.C. Law 4-78, § 14, 29 DCR 49.)

Editor's notes. — This section is set forth above to provide historical information.

§ 31-120. Power to raze buildings; limitations.

Demolition and development of the Oyster School building. — Section 6(a) of D.C. Law 12-174 authorized the Board of Education, upon the approval of the Mayor, to raze the

existing Oyster School building, following execution of the Development Agreement defined in § 2(7) of D.C. Law 12-174, notwithstanding the provisions of this section.

§ 31-122. Detail of officers to training program.

Emergency act amendments.

For temporary addition of §§ 31-123.1 to 31-123.7, see §§ 702-708 of the Fiscal Year 1999 Budget Support Emergency Act of 1998 (D.C. Act 12-401, July 13, 1998, 45 DCR 4794),

and §§ 2 and 9(b) of the Fiscal Year 1999 Budget Support Temporary Amendment Act of 1998 (D.C. Act 12-512, November 5, 1998, 45 DCR 9045).

CHAPTER 1B. SCHOOL-BASED BUDGETING AND ACCOUNTABILITY.

Sec.

31-151. Annual budget required.
31-152. Personnel files.
31-153. Long Range Master Facilities Plan; annual updates.
31-154. Allocation of funds to each school system.

Sec.

31-155. Reform implementation plans.
31-156. Accountability Plan.
31-157. District of Columbia public school funding.

§ 31-151. Annual budget required.

The District of Columbia Board of Education, or its successor, and the District of Columbia Public Schools shall submit to the Council of the District of Columbia, the Mayor, and the District of Columbia Financial Responsibility and Management Assistance Authority a school-based budget for each District of Columbia Public School by August 1 of each fiscal year during a control year, as defined in § 47-393(4). (Mar. 26, 1999, D.C. Law 12-175, § 1102, 45 DCR 7193.)

Emergency act amendments. — For temporary addition of subchapter, see §§ 702-708 of the Fiscal Year 1999 Budget Support Emergency Act of 1998 (D.C. Act 12-401, July 13, 1998, 45 DCR 4794), and §§ 702-708 of the Fiscal Year 1999 Budget Support Congressional Review Emergency Act of 1998 (D.C. Act 12-564, January 12, 1999, 46 DCR 669).

Section 2101 of D.C. Act 12-564 provides for the application of the act.

Legislative history of Law 12-175. — Law 12-175, the "Fiscal Year 1999 Budget Support Act of 1998," was introduced in Council and

assigned Bill No. 12-618, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 5, 1998, and June 2, 1998, respectively. Signed by the Mayor on June 23, 1998, it was assigned Act No. 12-399 and transmitted to both Houses of Congress for its review. D.C. Law 12-175 became effective on March 26, 1999.

School Based Budgeting and Accountability Act of 1998. — Section 1101 of D.C. Law 12-175 provided that Title XI of the act may be cited as the "School Based Budgeting and Accountability Act of 1998."

§ 31-152. Personnel files.

The District of Columbia Public Schools ("DCPS") shall, by December 31, 1998, contract with a firm experienced in human resource management to

comprehensively rebuild all DCPS employee personnel files. (Mar. 26, 1999, D.C. Law 12-175, § 1103, 45 DCR 7193.)

Emergency act amendments. — For temporary addition of subchapter see notes to § 31-151.

Legislative history of Law 12-175. — See note to § 31-151.

§ 31-153. Long Range Master Facilities Plan; annual updates.

The District of Columbia Public Schools shall, by December 31, 1998, submit to the Council for review and approval a revised and comprehensive Long Range Master Facilities Plan which shall include annual updates to the facilities plan, as well as a school disposition plan delineating the process through which citizen involvement shall be facilitated, and establishing the criteria that shall be utilized in disposition decisions, one of which must be consideration of the impact of any proposed new use of a school building on the neighborhood in which the building is located. There shall be a moratorium on disposition decisions until the facilities plan has been approved by the Council. (Mar. 26, 1999, D.C. Law 12-175, § 1104, 45 DCR 7193.)

Emergency act amendments. — For temporary addition of subchapter see notes to § 31-151.

Legislative history of Law 12-175. — See note to § 31-151.

§ 31-154. Allocation of funds to each school system.

The District of Columbia Public Schools and its Chief Financial Officer shall, by October 1, 1998, provide to the Council of the District of Columbia a comprehensive Fiscal Year 1999 budget displaying in detail the amount of funds to be applied to each school system function and the amount of funds to be expected by each individual school. This budget shall state all underlying budget assumptions including, but not limited to, average salaries. (Mar. 26, 1999, D.C. Law 12-175, § 1105, 45 DCR 7193.)

Emergency act amendments. — For temporary addition of subchapter see notes to § 31-151.

Legislative history of Law 12-175. — See note to § 31-151.

§ 31-155. Reform implementation plans.

The Superintendent shall, by October 15, 1998, provide a detailed Implementation Plan for each component of the General Education Reforms, the Special Education Reforms, and the Central Administration Reforms that will be contained in the Fiscal Year 1999 budget. This Implementation Plan shall specifically state the number and specific occupation positions that will be added and deleted in order to implement each component of the Implementation Plan. (Mar. 26, 1999, D.C. Law 12-175, § 1106, 45 DCR 7193; Apr. 27, 1999, D.C. Law 12-267, § 3, 46 DCR 960.)

Effect of amendments. — D.C. Law 12-267 substituted “October 15, 1998” for “September 15, 1998.”

Temporary amendment of section. — Section 2 of D.C. Law 12-211 substituted “October 15, 1998” for “September 15, 1998.”

Section 9 of D.C. Law 12-211 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see §§ 2 and 3 of the Fiscal Year 1999 Budget Support Emergency Amendment Act of 1998 (D.C. Act 12-480, October 28, 1998, 45 DCR 8016), and §§ 2 and 3 of the Fiscal Year 1999 Budget Support Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-4, February 8, 1999, 46 DCR 2291).

Section 9 of D.C. Act 13-4 provides for the application of the act.

For temporary addition of subchapter, see notes to § 31-151.

Legislative history of Law 12-175. — See note to § 31-151.

Legislative history of Law 12-211. — Law 12-211, the “Fiscal Year 1999 Budget Support Temporary Amendment Act of 1998,” was intro-

duced in Council and assigned Bill No. 12-773. The Bill was adopted on first and second readings on September 22, 1998, and October 22, 1998, respectively. Signed by the Mayor on November 5, 1998, it was assigned Act No. 12-512 and transmitted to both Houses of Congress for its review. D.C. Law 12-211 became effective on April 13, 1999.

Legislative history of Law 12-267. — Law 12-267, the “Closing of a Public Alley in Square 371, S.O. 96-202, Act of 1998,” was introduced in Council and assigned Bill No. 12-800, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 1, 1998, and December 15, 1998, respectively. Signed by the Mayor on December 23, 1998, it was assigned Act No. 12-576 and transmitted to both Houses of Congress for its review. D.C. Law 12-267 became effective on April 27, 1999.

§ 31-156. Accountability Plan.

The Superintendent shall, by December 15, 1998, provide an Accountability Plan for each school. The Accountability Plan shall set forth five-year student achievement test goals and year one benchmarks, as measured against a baseline derived from student performance levels determined by the “Stanford 9” tests administered in Spring 1998. (Mar. 26, 1999, D.C. Law 12-175, § 1107, 45 DCR 7193.)

Emergency act amendments. — For temporary addition of subchapter see notes to § 31-151.

Legislative history of Law 12-175. — See note to § 31-151.

§ 31-157. District of Columbia public school funding.

The District of Columbia Public Schools should fully fund pre-kindergarten, full-day kindergarten, school counselors, and librarians. (Mar. 26, 1999, D.C. Law 12-175, § 1108, 45 DCR 7193.)

Emergency act amendments. — For temporary addition of subchapter see notes to § 31-151.

Legislative history of Law 12-175. — See note to 31-151.

CHAPTER 4. COMPULSORY SCHOOL ATTENDANCE.

Subchapter I. General Provisions.

Sec.

31-411, 31-412. [Repealed].

Subchapter III. Public Schools Truancy and Dropout Prevention.

Sec.

31-471. Truancy and Dropout Prevention Program.

*Subchapter I. General Provisions.***§ 31-404. Census of minors.**

Section references. — This section is referred to in §§ 31-406, 31-413, 31-2815, 31-2853.14, and 31-2901.

§ 31-411. Department of School Attendance and Work Permits — Creation.

Repealed.

(Feb. 4, 1925, 43 Stat. 807, ch. 140, Art. III, § 1; 1973 Ed., § 31-211; Mar. 8, 1991, D.C. Law 8-247, § 2(b), 38 DCR 376.)

Editor's notes. — This section is set forth above to provide historical information.

§ 31-412. Same — Director; appointments.

Repealed.

(Feb. 4, 1925, 43 Stat. 808, ch. 140, Art. III, § 2; July 21, 1945, 59 Stat. 500, ch. 321, title V, § 21; 1973 Ed., § 31-212; Mar. 8, 1991, D.C. Law 8-247, § 2(b), 38 DCR 376.)

Editor's notes. — This section is set forth above to provide historical information.

*Subchapter III. Public Schools Truancy and Dropout Prevention.***§ 31-471. Truancy and Dropout Prevention Program.**

(a) Subject to the availability of appropriations, the District of Columbia Board of Education, or its successor, and the District of Columbia Public Schools shall offer a Truancy and Dropout Prevention Program for students who are enrolled in the District of Columbia Public Schools system. The programs should be implemented on a full-time basis, work with local schools and parents, and provide resources that will help reduce absences and unexcused absences, and reduce dropout and increase retention rates.

(b) The program shall develop a supportive relationship with the Metropolitan Police Department.

(c) The program shall be available for students who are enrolled in grades K-12 and for students who are enrolled in ungraded classes in elementary, middle or junior high, and high schools.

(d) Notwithstanding any other law, nothing in this section shall be construed to create an entitlement to a truancy or dropout prevention program for any student. (Mar. 26, 1999, D.C. Law 12-175, § 1202, 45 DCR 7193.)

Emergency act amendments. — For temporary addition of subchapter see § 802 of the Fiscal Year 1999 Budget Support Emergency Act of 1998 (D.C. Act 12-401, July 13, 1998, 45 DCR 4794).

Legislative history of Law 12-175. — Law 12-175, the “Fiscal Year 1999 Budget Support Act of 1998,” was introduced in Council and assigned Bill No. 12-618, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 5, 1998, and June 2, 1998, respectively. Signed by

the Mayor on June 23, 1998, it was assigned Act No. 12-399 and transmitted to both Houses of Congress for its review. D.C. Law 12-175 became effective on March 26, 1999.

District of Columbia Public Schools Truancy and Dropout Prevention Program Act of 1998. — Section 1201 of D.C. Law 12-175 provided that Title XII of the act may be cited as the “District of Columbia Public Schools Truancy and Dropout Prevention Program Act of 1998.”

CHAPTER 6. TUITION OF NONRESIDENTS.

§ 31-602. Tuition required of nonresidents; deposit of payments.

Section references. — This section is referred to in §§ 31-603, 31-604, 31-605, 31-606, and 31-2902.

Consideration of hearsay evidence generally. — There is no general bar to the use of hearsay testimony at a nonresidency hearing. *Braddock v. Smith*, App. D.C., 711 A.2d 835 (1998).

New hearing required. — A new hearing

was required on remand where District of Columbia Public Schools did not fully comport with its own rules and regulations and failed to apprise petitioner of her procedural rights, including right to counsel, petitioner may have been prejudiced by lack of counsel, and reported findings were insufficient to cover all disputed relevant factors. *Braddock v. Smith*, App. D.C., 711 A.2d 835 (1998).

§ 31-603. Regulations determining tuition requirement; penalties; prosecutions.

Cited in *Braddock v. Smith*, App. D.C., 711 A.2d 835 (1998).

CHAPTER 10. TEACHERS, SCHOOL OFFICERS, AND OTHER EMPLOYEES IN GENERAL.

Sec.

31-1002. [Repealed].

31-1005. [Repealed].

31-1008 to 31-1016. [Repealed].

Sec.

31-1020 to 31-1027. [Repealed].

31-1030 to 31-1032. [Repealed].

§ 31-1002. Payment of salaries.

Repealed.

(May 26, 1908, 35 Stat. 291, ch. 198, § 1; June 30, 1970, 84 Stat. 364, Pub. L. 91-297, title III, § 304(a); Oct. 21, 1972, 86 Stat. 1012, Pub. L. 92-518, title I, § 104(a); 1973 Ed., § 31-609; May 10, 1989, D.C. Law 7-231, § 30, 36 DCR 492.)

Editor's notes. — This section is set forth above to provide historical information.

§ 31-1005. Head of Department of Military Science and Tactics; salary.

Repealed.

(July 29, 1946, 60 Stat. 708, ch. 693, § 1; 1973 Ed., § 31-622a; May 10, 1989, D.C. Law 7-231, § 31, 36 DCR 492.)

Editor's notes. — This section is set forth above to provide historical information.

§ 31-1008. Rules for division of time and computation of pay for services.

Repealed.

(May 26, 1908, 35 Stat. 291, ch. 198, § 1; June 30, 1970, 84 Stat. 365, Pub. L. 91-297, title III, § 304(b); Oct. 21, 1972, 86 Stat. 1012, Pub. L. 92-518, title I, § 104(b); 1973 Ed., § 31-630; May 10, 1989, D.C. Law 7-231, § 32, 36 DCR 492.)

Editor's notes. — Sections 31-1008 through 21-1016 are set forth herein to provide historical information.

§ 31-1009. Double salaries — School teachers and employees in District.

Repealed.

(Oct. 6, 1917, 40 Stat. 384, ch. 79, § 9; July 8, 1918, 40 Stat. 823, ch. 139, § 1; June 5, 1920, 41 Stat. 1017, ch. 253, § 1; Aug. 19, 1964, 78 Stat. 491, 493, Pub. L. 88-448, title IV, §§ 401(i), 402(a)(17), (18); 1973 Ed., § 31-631; Mar. 16, 1982, D.C. Law 4-78, § 15, 29 DCR 49.)

§ 31-1010. Same — Custodial employees in District.

Repealed.

(July 1, 1942, 56 Stat. 467, ch. 467; Aug. 19, 1964, 78 Stat. 491, Pub. L. 88-448, title IV, § 401(k); 1973 Ed., § 31-631a; Mar. 16, 1982, D.C. Law 4-78, § 16, 29 DCR 49.)

§ 31-1011. Leave with part pay authorized; limitations.

Repealed.

(June 12, 1940, 54 Stat. 349, ch. 342, § 1; 1973 Ed., § 31-632; Mar. 16, 1982, D.C. Law 4-78, § 17, 29 DCR 49.)

§ 31-1012. Report of person on leave; termination of leave.

Repealed.

(June 12, 1940, 54 Stat. 349, ch. 342, § 2; 1973 Ed., § 31-633; Mar. 16, 1982, D.C. Law 4-78, § 17, 29 DCR 49.)

§ 31-1013. Leave of absence for educational purposes — compensation of elementary and secondary school teachers.

Repealed.

(June 12, 1940, 54 Stat. 349, ch. 342, § 3; Aug. 21, 1964, 78 Stat. 584, Pub. L. 88-472, § 1; 1973 Ed., § 31-634; Mar. 16, 1982, D.C. Law 4-78, § 17, 29 DCR 49.)

§ 31-1014. Same — Compensation of other employees.

Repealed.

(June 12, 1940, 54 Stat. 349, ch. 342, § 4; Aug. 21, 1964, 78 Stat. 584, Pub. L. 88-472, § 2; 1973 Ed., § 31-635; Mar. 12, 1976, D.C. Law 1-53, § 2, 22 DCR 5132; Mar. 16, 1982, D.C. Law 4-78, § 17, 29 DCR 49.)

§ 31-1015. Same — Inclusion for promotion and retirement purposes.

Repealed.

(June 12, 1940, 54 Stat. 350, ch. 342, § 5; Aug. 21, 1964, 78 Stat. 585, Pub. L. 88-472, § 3; 1973 Ed., § 31-636; Mar. 16, 1982, D.C. Law 4-78, § 17, 29 DCR 49.)

§ 31-1016. Masculine pronoun construed to include female employees.

Repealed.

(June 12, 1940, 54 Stat. 350, ch. 342, § 6; 1973 Ed., § 31-637; Mar. 16, 1982, D.C. Law 4-78, § 17, 29 DCR 49.)

§ 31-1020. Sick and emergency leave.

Repealed.

(Oct. 13, 1949, 63 Stat. 842, ch. 686, § 1; Oct. 29, 1951, 65 Stat. 660, ch. 601, § 1; Dec. 18, 1967, 81 Stat. 659, Pub. L. 90-212, § 1(a); May 27, 1968, 82 Stat. 140, Pub. L. 90-319, § 5; 1973 Ed., § 31-691; Mar. 16, 1982, D.C. Law 4-78, § 18, 29 DCR 49.)

Editor's notes. — Sections 31-1020 through 31-1027 are set forth herein to provide historical information.

§ 31-1021. Credit for cumulative leave on transfer or promotion.

Repealed.

(Oct. 29, 1951, 65 Stat. 660, ch. 601, § 4; 1973 Ed., § 31-691a; Mar. 16, 1982, D.C. Law 4-78, § 21, 29 DCR 49.)

§ 31-1022. Reinstatement after leave without pay granted.

Repealed.

(Oct. 29, 1951, 65 Stat. 661, ch. 601, § 5; 1973 Ed., § 31-691b; Mar. 16, 1982, D.C. Law 4-78, § 21, 29 DCR 49.)

§ 31-1023. Additional leave credits for service prior to July 1, 1949.

Repealed.

(Oct. 13, 1949, 63 Stat. 842, ch. 686, § 2; Oct. 29, 1951, 65 Stat. 660, ch. 601, § 2; Dec. 18, 1967, 81 Stat. 659, Pub. L. 90-212, § 1(b); 1973 Ed., § 31-692; Mar. 16, 1982, D.C. Law 4-78, § 18, 29 DCR 49.)

§ 31-1024. Maternity leave.

Repealed.

(Oct. 13, 1949, 63 Stat. 843, ch. 686, § 3; 1973 Ed., § 31-693; Mar. 16, 1982, D.C. Law 4-78, § 18, 29 DCR 49.)

§ 31-1025. Additional leaves in emergencies.

Repealed.

(Oct. 13, 1949, 63 Stat. 843, ch. 686, § 4; Oct. 29, 1951, 65 Stat. 660, ch. 601, § 3; Dec. 18, 1967, 81 Stat. 659, Pub. L. 90-212, § 1(c); 1973 Ed., § 31-694; Feb. 19, 1976, D.C. Law 1-47, § 2, 22 DCR 4683; Mar. 16, 1982, D.C. Law 4-78, § 18, 29 DCR 49.)

§ 31-1026. Days of leave with pay defined.

Repealed.

(Dec. 20, 1950, 64 Stat. 1114, ch. 1141, § 1; 1973 Ed., § 31-694a; Mar. 16, 1982, D.C. Law 4-78, § 19, 29 DCR 49.)

§ 31-1027. Refund required for unearned advanced leave; exceptions.

Repealed.

(Oct. 13, 1949, 63 Stat. 843, ch. 686, § 5; 1973 Ed., § 31-695; Mar. 16, 1982, D.C. Law 4-78, § 18, 29 DCR 49.)

§ 31-1030. Rules and regulations; definitions.

Repealed.

(Oct. 13, 1949, 63 Stat. 843, ch. 686, § 7; 1973 Ed., § 31-697; May 10, 1989, D.C. Law 7-231, § 33, 36 DCR 492.)

Editor's notes. — Sections 31-1030 through 31-1032 are set forth herein to provide historical information.

§ 31-1031. Regulation of vacation periods and annual leave.

Repealed.

(Mar. 5, 1952, 66 Stat. 14, ch. 81, § 1; 1973 Ed., § 31-698; Mar. 16, 1981, D.C. Law 4-78, § 20, 29 DCR 49.)

§ 31-1032. Prior leave; promulgation of rules.

Repealed.

(Mar. 5, 1952, ch. 81, § 2; Aug. 5, 1953, 67 Stat. 362, ch. 320, § 1; 1973 Ed., § 31-698a; Mar. 16, 1981, D.C. Law 4-78, § 20, 29 DCR 49.)

CHAPTER 11. SALARIES OF TEACHERS, SCHOOL OFFICERS AND OTHER EMPLOYEES.

Subchapter I. Salary Schedule.

Sec.

31-1101. [Repealed].

Subchapter II. Classification and Assignment of Employees.

31-1111 to 31-1113. [Repealed].

Subchapter III. Method of Assignment of Employees to Salary Schedules.

31-1121, 31-1122. [Repealed].

Subchapter IV. Method of Advancement and Promotion of Employees.

Sec.

31-1131 to 31-1136. [Repealed].

Subchapter V. Accompanying Legislation.

31-1141 to 31-1148. [Repealed].

Subchapter I. Salary Schedule.

§ 31-1101. Salary schedule.

Repealed.

(Aug. 5, 1955, 69 Stat. 521, ch. 569, title I, § 1; July 25, 1958, 72 Stat. 414, Pub. L. 85-552, § 1; Aug. 28, 1958, 72 Stat. 1004, Pub. L. 85-838, § 1; Sept. 13, 1960, 74 Stat. 913, Pub. L. 87-773, § 1; Oct. 24, 1962, 76 Stat. 1229, Pub. L. 87-881, title I, § 101(1); Aug. 14, 1964, 78 Stat. 431, Pub. L. 88-426, title III, § 306(i)(5); Sept. 2, 1964, 78 Stat. 882, Pub. L. 88-575, title II, § 201(1); Nov. 13, 1966, 80 Stat. 1594, Pub. L. 89-810, title II, § 202(1); May 27, 1968, 82 Stat. 132, Pub. L. 90-319, § 2(1); May 27, 1968, 82 Stat. 135, Pub. L. 90-319, § 2(2); June 30, 1970, 84 Stat. 358, Pub. L. 91-297, title III, § 302(1); Oct. 21, 1972, 86 Stat. 1005, Pub. L. 92-518, title I, § 102(a); 1973 Ed., § 31-1501; Sept. 3, 1974, 88 Stat. 1042, Pub. L. 93-407, title II, § 202(1), (2); Jan. 3, 1975, 88 Stat. 2175,

Pub. L. 93-635, §§ 4, 5; Mar. 29, 1977, D.C. Law 1-90, § 2(1), (2), 23 DCR 9532b; May 18, 1977, D.C. Law 2-1, § 2(a), 23 DCR 9698; Mar. 16, 1982, D.C. Law 4-78, § 11, 29 DCR 49.)

Editor's notes. — This section is set forth above to provide historical information.

Subchapter II. Classification and Assignment of Employees.

§ 31-1111. Eligibility requirements for appointment and promotion; definitions.

Repealed.

(Aug. 5, 1955, 69 Stat. 524, ch. 569, title II, § 3; June 30, 1970, 84 Stat. 362, Pub. L. 91-297, title III, § 302(3); 1973 Ed., § 31-1512; Mar. 16, 1982, D.C. Law 4-78, § 11, 29 DCR 49.)

Editor's notes. — Sections 31-1111 through 31-1113 are set forth herein to provide historical information.

§ 31-1112. Probationary period.

Repealed.

(Aug. 5, 1955, 69 Stat. 524, ch. 569, title II, § 3; June 30, 1970, 84 Stat. 362, Pub. L. 91-297, title III, § 302(3); 1973 Ed., § 31-1512; Mar. 16, 1982, D.C. Law 4-78, § 11, 29 DCR 49.)

§ 31-1113. Teaching certificates; renewals; rules and regulations.

Repealed.

(1973 Ed., § 31-1513; Sept. 3, 1974, 88 Stat. 1049, Pub. L. 93-407, title II, § 204; Mar. 16, 1982, D.C. Law 4-78, § 12, 29 DCR 49.)

Subchapter III. Method of Assignment of Employees to Salary Schedules.

§ 31-1121. Assignment of certain employees to salary classes.

Repealed.

(Aug. 5, 1955, 69 Stat. 524, ch. 569, title III, § 4; Aug. 28, 1958, 72 Stat. 1007, Pub. L. 85-838, § 1; Oct. 24, 1962, 76 Stat. 1232, Pub. L. 87-881, title I, § 101(4); Nov. 13, 1966, 80 Stat. 1598, Pub. L. 89-810, title II, § 202(3); June 30, 1970, 84 Stat. 362, Pub. L. 91-297, title III, § 302(4); Oct. 21, 1972, 86 Stat. 1009, Pub. L. 92-518, title I, § 103(2); 1973 Ed., § 31-1521; Mar. 16, 1982, D.C. Law 4-78, § 11, 29 DCR 49.)

Editor's notes. — Sections 31-1121 and 31-1122 are set forth herein to provide historical information.

§ 31-1122. Application of chapter; teacher-aide positions; initial assignment of school principals and periodic evaluation.

Repealed.

(Aug. 5, 1955, 69 Stat. 525, ch. 569, title III, § 5; Aug. 28, 1958, 72 Stat. 1009, Pub. L. 85-838, § 1; Nov. 13, 1966, 80 Stat. 1598, Pub. L. 89-810, title II, § 202(4); May 27, 1968, 82 Stat. 139, Pub. L. 90-319, § 2(8); June 30, 1970, 84 Stat. 362, Pub. L. 91-297, title III, § 302(5); Oct. 21, 1972, 86 Stat. 1010, Pub. L. 92-518, title I, § 103(3); 1973 Ed., § 31-1522; Mar. 3, 1979, D.C. Law 2-139, § 3204(e), 25 DCR 5740; Mar. 5, 1981, D.C. Law 3-133, § 31(b), 27 DCR 4417; Mar. 16, 1982, D.C. Law 4-78, § 11, 29 DCR 49.)

Subchapter IV. Method of Advancement and Promotion of Employees.

§ 31-1131. Assignment to service steps — method; promotions.

Repealed.

(Aug. 5, 1955, 69 Stat. 526, ch. 569, title IV, § 6; Aug. 28, 1958, 72 Stat. 1009, Pub. L. 85-838, § 1; Oct. 24, 1962, 76 Stat. 1233, Pub. L. 87-881, title I, § 101(5), (6); Sept. 2, 1964, 78 Stat. 885, Pub. L. 78-885, title II, § 201(2); June 30, 1970, 84 Stat. 362, Pub. L. 91-297, title III, § 302(6), (7); 1973 Ed., § 31-1531; Mar. 16, 1982, D.C. Law 4-78, § 11, 29 DCR 49.)

Editor's notes. — Sections 31-1131 through 31-1136 are set forth herein to provide historical information.

§ 31-1132. Same — New employees; adjustment of existing employees; military service; transfer from Board of Higher Education.

Repealed.

(Aug. 5, 1955, 69 Stat. 527, ch. 569, title IV, § 7; Aug. 28, 1958, 72 Stat. 1010, Pub. L. 85-838, § 1; Oct. 24, 1962, 76 Stat. 1234, Pub. L. 87-881, title I, § 101(7); Nov. 13, 1966, 80 Stat. 1599, Pub. L. 89-810, title II, § 202(5); May 27, 1968, 82 Stat. 138, Pub. L. 90-319, § 2(3); Oct. 21, 1972, 86 Stat. 1010, Pub. L. 92-518, title I, § 103(4), title II, § 203(a); 1973 Ed., § 31-1532; Mar. 16, 1982, D.C. Law 4-78, § 11, 29 DCR 49.)

§ 31-1133. Probationary employees; salary increases; termination.

Repealed.

(May 27, 1968, 82 Stat. 138, Pub. L. 90-319, § 2(4); 1973 Ed., § 31-1533; Mar. 16, 1982, D.C. Law 4-78, § 11, 29 DCR 49.)

§ 31-1134. Temporary employees.

Repealed.

(Aug. 5, 1955, 69 Stat. 528, ch. 569, title IV, § 9; Nov. 13, 1966, 80 Stat. 1600, Pub. L. 89-810, title II, § 202(6); 1973 Ed., § 31-1534; Mar. 16, 1982, D.C. Law 4-78, § 11, 29 DCR 49.)

§ 31-1135. Promotions — groups A-1, B, C, and D; administrative errors.

Repealed.

(Aug. 5, 1955, 69 Stat. 528, ch. 569, title IV, § 10; Nov. 13, 1966, 80 Stat. 1601, Pub. L. 89-810, title II, § 202(7); May 27, 1968, 82 Stat. 138, Pub. L. 90-319, § 2(5); June 30, 1970, 84 Stat. 363, Pub. L. 91-297, title III, § 302(8); Oct. 21, 1972, 86 Stat. 1011, Pub. L. 92-518, title I, § 103(5); 1973 Ed., § 31-1535; Mar. 29, 1977, D.C. Law 1-90, § 2(4), 23 DCR 9532b; Mar. 16, 1982, D.C. Law 4-78, § 11, 29 DCR 49.)

§ 31-1136. Same — Higher-paid salary classes.

Repealed.

(Aug. 5, 1955, 69 Stat. 528, ch. 569, title IV, § 11; Oct. 24, 1962, 76 Stat. 1234, Pub. L. 87-881, title I, § 101(11); 1973 Ed., § 31-1536; Mar. 16, 1982, D.C. Law 4-78, § 11, 29 DCR 49.)

Subchapter V. Accompanying Legislation.

§ 31-1141. Evening, summer, and Americanization schools; salaries.

Repealed.

(Aug. 5, 1955, 69 Stat. 529, ch. 569, title V, § 13; Aug. 28, 1958, 72 Stat. 1011, Pub. L. 85-838, § 1; Oct. 24, 1962, 76 Stat. 1234, Pub. L. 87-881, title I, § 101(10), (11); Sept. 2, 1964, 78 Stat. 886, Pub. L. 88-875, title II, § 201(3); Nov. 13, 1966, 80 Stat. 1601, Pub. L. 89-810, title II, § 202(8); May 27, 1968, 82 Stat. 138, Pub. L. 90-319, § 2(6); May 27, 1968, 82 Stat. 139, Pub. L. 90-319, § 2(7); June 30, 1970, 84 Stat. 363, Pub. L. 91-297, title III, § 302(9), (10); Oct. 21, 1972, 86 Stat. 1008, Pub. L. 92-518, title I, §§ 102(b), 103(6); 1973 Ed., § 31-1542; Sept. 3, 1974, 88 Stat. 1049, Pub. L. 93-407, title II, § 202(3), (4); Jan. 3, 1975, 88 Stat. 2177, Pub. L. 93-635, § 11; Mar. 29, 1977, D.C. Law 1-90, § 2(5), 23 DCR 9523b; May 18, 1977, D.C. Law 2-1, § 2(b), 23 DCR 9698; Mar. 16, 1982, D.C. Law 4-78, § 11, 29 DCR 49.)

Editor's notes. — Sections 31-1141 through 31-1148 are set forth herein to provide historical information.

§ 31-1142. Appropriation for summer school salaries.

Repealed.

(Oct. 26, 1973, 87 Stat. 508, Pub. L. 93-140, § 22; 1973 Ed., § 31-1542a; Mar. 16, 1982, D.C. Law 4-78, § 13, 29 DCR 49.)

§ 31-1143. Method of salary payment.

Repealed.

(Aug. 5, 1955, 69 Stat. 529, ch. 569, title V, § 14; Aug. 28, 1958, 72 Stat. 1011, Pub. L. 85-838, § 1; Oct. 24, 1962, 76 Stat. 1235, Pub. L. 87-881, title I, § 101(12); June 30, 1970, 84 Stat. 364, Pub. L. 91-297, title III, § 302(11); Oct. 21, 1972, 86 Stat. 1011, Pub. L. 92-518, title I, § 103(7); 1973 Ed., § 31-1543; Mar. 16, 1982, D.C. Law 4-78, § 11, 29 DCR 49.)

§ 31-1144. Regulation of vacation and leave periods of certain employees.

Repealed.

(Aug. 5, 1955, 69 Stat. 529, ch. 569, title V, § 15; Aug. 28, 1958, 72 Stat. 1012, Pub. L. 85-838, § 1; Oct. 24, 1962, 76 Stat. 1235, Pub. L. 87-881, title I, § 101(13); Oct. 21, 1972, 86 Stat. 1011, Pub. L. 92-518, title I, § 103(8); 1973 Ed., § 31-1544; Mar. 16, 1982, D.C. Law 4-78, § 11, 29 DCR 49.)

§ 31-1145. Sick and emergency leave provisions applicable to certain employees.

Repealed.

(Aug. 5, 1955, 69 Stat. 529, ch. 569, title V, § 16; Aug. 28, 1958, 72 Stat. 1012, Pub. L. 85-838, § 1; Oct. 24, 1962, 76 Stat. 1235, Pub. L. 87-881, title I, § 101(14); Oct. 21, 1972, 86 Stat. 1011, Pub. L. 92-518, title I, § 103(9); 1973 Ed., § 31-1545; Mar. 16, 1982, D.C. Law 4-78, § 11, 29 DCR 49.)

§ 31-1146. Sabbatical leave provisions applicable to certain employees.

Repealed.

(Aug. 5, 1955, 69 Stat. 529, ch. 569, title V, § 17; 1973 Ed., § 31-1546; Mar. 16, 1982, D.C. Law 4-78, § 11, 29 DCR 49.)

§ 31-1147. Foreign teacher exchange program applicable to certain employees.

Repealed.

(Aug. 5, 1955, 69 Stat. 529, ch. 569, title V, § 18; 1973 Ed., § 31-1547; Mar. 16, 1982, D.C. Law 4-78, § 11, 29 DCR 49.)

§ 31-1148. Teacher retirement provisions applicable to certain employees.

Repealed.

(Aug. 5, 1955, 69 Stat. 529, ch. 569, title V, § 19; Oct. 21, 1972, 86 Stat. 1013, Pub. L. 92-518, title II, § 202(b); 1973 Ed., § 31-1548; Mar. 16, 1982, D.C. Law 4-78, § 11, 29 DCR 49.)

CHAPTER 12. RETIREMENT OF PUBLIC SCHOOL TEACHERS.

Subchapter II. Retirement After June 30, 1946.

price index; computation; definitions.

Sec.

31-1241. Adjustment of annuities on basis of

Subchapter II. Retirement After June 30, 1946.

§ 31-1221. Salary deductions; deposit; purchase of annuity.

Section references. — This section is referred to in §§ 1-627.1, 1-713, 1-782.2, 31-1225, 31-1230, 31-1231, and 31-1244.

§ 31-1235. Definitions.

Section references. — This section is referred to in §§ 1-702, 1-781.2, and 31-1226.

§ 31-1241. Adjustment of annuities on basis of price index; computation; definitions.

* * * * *

(b)(1) For the payments of benefits accrued by teachers after June 30, 1997, on January 1 of each year (or within a reasonable time thereafter), the Mayor shall determine the per centum change in the price index for the preceding year by determining the difference between the index published for December of the preceding year and the index published for December of the second preceding year.

(2)(A) If, in accordance with paragraph (1) of this subsection, the Mayor determines in a year (beginning with 1999) that the per centum change in the price index for the preceding year indicates a rise in the price index, each annuity having a commencing date on or before March 1 of the year shall, effective March 1 of the year, be increased by an amount equal to:

(i) In the case of an annuity having a commencing date on or before March 1 of such preceding year, the per centum change computed under paragraph (1) of this subsection, adjusted to the nearest 1/10 of 1 per centum; or

(ii) In the case of an annuity having a commencing date after March 1 of such preceding year, a pro rata increase equal to the product of 1/12 of the

per centum change computed under paragraph (1) of this subsection, multiplied by the number of months (not to exceed 12 months, counting any portion of a month as an entire month) for which the annuity was payable before the effective date of the increase, adjusted to the nearest 1/10 of 1 per centum.

(B) On January 1, 1998, or within a reasonable time thereafter, the Mayor shall determine the per centum change in the price index published for December 1997 over the price index published for June 1997. If such per centum change indicates a rise in the price index, effective March 1, 1998:

(i) Each annuity having a commencing date on or before September 1, 1997, shall be increased by an amount equal to such per centum change, adjusted to the nearest 1/10 of 1 per centum; and

(ii) Each annuity having a commencing date after September 1, 1997, and on or before March 1, 1998, shall be increased by a pro rata increase equal to the product of 1/6 of such per centum change, multiplied by the number of months (not to exceed 6 months, counting any portion of a month as an entire month) for which the annuity was payable before the effective date of the increase, adjusted to the nearest 1/10 of 1 per centum.

* * * * *

(Sept. 18, 1998, D.C. Law 12-152, § 207(b), 45 DCR 4045.)

Effect of amendments.

D.C. Law 12-152 rewrote the section.

Emergency act amendments.

For temporary amendment of section, see § 206(b) of the Police Officers, Fire Fighters, and Teachers Retirement Benefit Replacement Plan and Fiscal Year 1998 Revised Budget Support Act of 1997 Technical Amendments Emergency Act of 1998 (D.C. Act 12-351, May 20, 1998, 45 DCR 3673), and § 206(b) of the Police Officers, Fire Fighters, and Teachers Retirement Benefit Replacement Plan and Fiscal Year 1998 Revised Budget Support Act of 1997 Technical Amendments Congressional Review Emergency Act of 1998 (D.C. Act 12-432, August 6, 1998, 45 DCR 5920).

Legislative history of Law 12-152. — Law 12-152, the “Police Officers, Fire Fighters, and Teachers Retirement Benefit Replacement Plan Act of 1998,” was introduced in Council and assigned Bill No. 12-386, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on April 7, 1998, and May 5, 1998, respectively. Signed by the Mayor on May 22, 1998, it was assigned Act No. 12-369 and transmitted to both Houses of Congress for its review. D.C. Law 12-152 became effective on September 18, 1998.

Application of Law 12-152. — Section 209 of D.C. Law 12-152 provided that the act shall apply as of October 1, 1997.

§ 31-1251. Retirement credit for leave without pay.

Section references. — This section is referred to in §§ 1-713, 1-782.2, and 31-1244.

CHAPTER 14. PUBLIC HIGHER EDUCATIONAL INSTITUTIONS.

Subchapter I. Federal City College.

Sec.

31-1408. Appropriation in lieu of donation of public lands.

*Subchapter I. Federal City College.***§ 31-1408. Appropriation in lieu of donation of public lands.**

In lieu of extending to the District of Columbia those provisions of the Act of July 2, 1862 (7 U.S.C. §§ 301 to 305, 307, and 308), relating to donations of public lands or land scrip for the endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts, there is authorized to be appropriated to the District of Columbia the sum of \$7,241,706. Amounts appropriated under this section shall be held and considered to have been granted to the District of Columbia subject to those provisions of that Act applicable to the proceeds from the sale of land or land scrip, except that the funds appropriated in this section also may be invested in equity based securities if approved by the Chief Financial Officer of the District of Columbia. (Nov. 7, 1966, Pub. L. 89-791, title I, § 108(b); June 20, 1968, 82 Stat. 241, Pub. L. 90-354, § 1; 1973 Ed., § 31-1608; Oct. 21, 1998, 112 Stat. 2681-142, Pub. L. 105-277, § 139.)

Emergency act amendments. — Section 139 of Pub. L. 105-277 added the exception to the end of the second sentence.

Section references. — This section is referred to in §§ 31-1407, 31-1410, and 31-1411.

CHAPTER 15. PUBLIC POSTSECONDARY EDUCATION REORGANIZATION.*Subchapter II. University of the District of Columbia.*

Sec.
31-1512. [Repealed].
31-1516. Duties of Trustees.
31-1520a. Supervision of adult education program.

Subchapter V. Establishment of Public School of Law.

31-1542 to 31-1548. [Repealed].
31-1553. [Repealed].

Subchapter VI. Establishment of District of Columbia School of Law Within the University of the District of Columbia.

Sec.
31-1561, 31-1562. [Repealed].

Subchapter VII. Provision of Tuition Grants.

31-1571. Definitions.

*Subchapter II. University of the District of Columbia.***§ 31-1511. Establishment of Board of Trustees and University.**

Section references. — This section is referred to in §§ 1-633.7, 1-1462, 31-1512, 47-1812.11, and 47-2853.4.

§ 31-1512. Board of Trustees Nominating Committee.

Repealed.

(1973 Ed., § 31-1712; Oct. 26, 1974, 88 Stat. 1425, Pub. L. 93-471, title II, § 202; Nov. 1, 1975, D.C. Law 1-36, § 4, 22 DCR 2916; Mar. 14, 1985, D.C. Law 5-161, § 2, 32 DCR 158; Feb. 27, 1990, D.C. Law 8-69, § 3, 36 DCR 7737; April 29, 1998, D.C. Law 12-86, § 401(i), 45 DCR 1172.)

Editor's notes. — This section is set forth above to provide historical information.

§ 31-1516. Duties of Trustees.

It shall be the duty of the Trustees to:

* * * * *

(17) Establish or approve policies and procedures governing admissions, curricula, educational and vocational programs, and graduation for the adult education program, and operate an adult education program which shall provide services and instruction for adults who:

(A) Lack sufficient mastery of basic educational skills to enable them to function effectively in society;

(B) Do not have a certificate of graduation from a school providing secondary education and who have not achieved an equivalent level of education; or

(C) Have limited ability in speaking, reading, writing, or understanding the English language and whose native language is a language other than English.

(18) Establish health policies and procedures for adult students as provided in Chapter 24 of Title 31. (1973 Ed., § 31-1716; Oct. 26, 1974, 88 Stat. 1427, Pub. L. 93-471, title II, § 206; Nov. 1, 1975, D.C. Law 1-36, § 4, 22 DCR 2923; Mar. 3, 1979, D.C. Law 2-139, § 3204(f), 25 DCR 5740; Aug. 22, 1980, D.C. Law 3-82, § 3(a), 27 DCR 2647; Feb. 9, 1984, D.C. Law 5-47, § 2, 30 DCR 5641; Feb. 24, 1987, D.C. Law 6-177, § 2(c), (d), 33 DCR 7241; Aug. 1, 1996, D.C. Law 11-152, § 301(c), 43 DCR 2978; Apr. 12, 1997, D.C. Law 11-259, § 314(b), 44 DCR 1423; Apr. 20, 1999, D.C. Law 12-231, § 2(a), 46 DCR 487.)

Section references. — This section is referred to in §§ 1-637.1, 31-1511, and 47-2853.4.

Libraries, and Recreation. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998, respectively. Signed by the Mayor on December 11, 1998, it was assigned Act No. 12-544 and transmitted to both Houses of Congress for its review. D.C. Law 12-231 became effective on April 20, 1999.

Effect of amendments.

D.C. Law 12-231 added (17) and (18).

Legislative history of Law 12-231. — Law 12-231, the "Adult Education Designation Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-775, which was referred to the Committee on Education,

§ 31-1520. Transfer of powers of Board of Governors.

Section references. — This section is referred to in § 47-2853.4.

§ 31-1520a. Supervision of adult education program.

(a) Notwithstanding any other provision of District law, the University of the District of Columbia shall be the state agency responsible for supervision

of adult education in public schools. All functions, powers, duties, and funding of the Board of Education and the District of Columbia Public Schools regarding adult education shall be vested in the Trustees. All rules, orders, obligations, determinations, and understandings of the Board of Education or the District of Columbia Public Schools relating to adult education shall remain in effect until lawfully amended, repealed, or modified by the Trustees.

(b) The University with the approval of the Trustees, shall submit to the Mayor, the Council, and the Financial Responsibility and Management Assistance Authority, the Consensus Commission, and the appropriate congressional committees, a long-term reform plan, as provided in § 31-2853.1. The plan shall include a description of how the University will accomplish the implementation of a comprehensive and an effective adult education and literacy program.

(c) The University shall apply for federal funds as provided in the Adult Education Act, approved April 28, 1988 (102 Stat. 302, 20 U.S.C. § 1201).

(d)(1) Notwithstanding any other provision of law, the University is authorized to charge fees for all adult education courses. The amount to be charged to each adult shall be fixed annually by the University as the amount necessary to cover the expense of instruction, cost of textbooks and school supplies, and other operating costs associated with each course offered, provided that the amount and changes in the amount fixed by this subsection are set by the University in accordance with § 1-1506. Following the final adoption of such amount, the University shall transmit a copy to the Mayor and the Council.

(2) All amounts received by the University pursuant to this section shall be paid to the D.C. Treasurer and accounted for in the General Fund as a separate revenue source allocable to provide authority for the offering of select adult education courses for which fees will be charged.

(3) Waivers, in whole or in part, of fees for select adult education courses may be granted by the University only to District residents. (Oct. 26, 1974, 88 Stat. 1423, Pub. L. 93-471, title II, § 212, as added Apr. 20, 1999, D.C. Law 12-231, § 2(b), 46 DCR 487.)

Effect of amendments. — D.C. Law 12-231 added this section.

Temporary addition of section. — Section 2 of D.C. Law 12-183 added this section.

Section 4(b) of D.C. Law 12-183 provided that this act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary addition of section, see § 2 of the Adult Education Designation Emergency Amendment Act of 1998 (D.C. Act 12-449, September 18, 1998, 45 DCR 6667), and § 2 of the Adult Education Designation Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-598, January 20, 1999, 45 DCR 1144).

Legislative history of Law 12-183. — Law 12-183, the “Adult Education Designation Temporary Amendment Act of 1998,” was introduced in Council and assigned Bill No. 12-742. The Bill was adopted on first and second read-

ings on July 30, 1998, and September 22, 1998, respectively. Signed by the Mayor on October 1, 1998, it was assigned Act No. 12-454 and transmitted to both Houses of Congress for its review. D.C. Law 12-183 became effective on March 26, 1999.

Legislative history of Law 12-231. — Law 12-231, the “Adult Education Designation Amendment Act of 1998,” was introduced in Council and assigned Bill No. 12-775, which was referred to the Committee on Education, Libraries, and Recreation. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998, respectively. Signed by the Mayor on December 11, 1998, it was assigned Act No. 12-544 and transmitted to both Houses of Congress for its review. D.C. Law 12-231 became effective on April 20, 1999.

*Subchapter V. Establishment of Public School of Law.***§ 31-1542. Definitions.**

Repealed.

(Oct. 26, 1974, Pub. L. 93-471, title V, § 502, as added Feb. 24, 1987, D.C. Law 6-177, § 2(a), 33 DCR 7241; Mar. 15, 1990, D.C. Law 8-74, § 2(b), 36 DCR 8117; Aug. 1, 1996, D.C. Law 11-152, § 301(g), 43 DCR 2978.)

Editor's notes. — Sections 31-1542 through 31-1548 are set forth herein to provide historical information.

§ 31-1543. Establishment of Board of Governors and School of Law.

Repealed.

(Oct. 26, 1974, Pub. L. 93-471, title V, § 503, as added Feb. 24, 1987, D.C. Law 6-177, § 2(a), 33 DCR 7241; Sept. 12, 1987, D.C. Law 7-22, § 2, 34 DCR 4199; Dec. 10, 1987, D.C. Law 7-51, § 2, 34 DCR 6889; Apr. 30, 1988, D.C. Law 7-104, § 22(a), (b), 35 DCR 147; Mar. 15, 1990, D.C. Law 8-74, § 2(c), 36 DCR 8117; Aug. 1, 1996, D.C. Law 11-152, § 301(h), 43 DCR 2978.)

§ 31-1544. Board of Governors Nominating Committee.

Repealed.

(Oct. 26, 1974, Pub. L. 93-471, title V, § 504, as added Feb. 24, 1987, D.C. Law 6-177, § 2(a), 33 DCR 7241; Oct. 7, 1987, D.C. Law 7-31, § 6, 34 DCR 3789; Apr. 30, 1988, D.C. Law 7-104, § 22(c), 35 DCR 147; Mar. 15, 1990, D.C. Law 8-74, § 2(d), 36 DCR 8117; Aug. 1, 1996, D.C. Law 11-152, § 301(i), 43 DCR 2978.)

§ 31-1545. Suspension, removal, and termination of Governors.

Repealed.

(Oct. 26, 1974, Pub. L. 93-471, title V, § 505, as added Feb. 24, 1987, D.C. Law 6-177, § 2(a), 33 DCR 7241; Mar. 15, 1990, D.C. Law 8-74, § 2(e), 36 DCR 8117; Aug. 1, 1996, D.C. Law 11-152, § 301(j), 43 DCR 2978.)

§ 31-1546. Duties and limitations of the Board of Governors.

Repealed.

(Oct. 26, 1974, Pub. L. 93-471, title V, § 506, as added Feb. 24, 1987, D.C. Law 6-177, § 2(a), 33 DCR 7241; Mar. 15, 1990, D.C. Law 8-74, § 2(f), 36 DCR 8117; Aug. 1, 1996, D.C. Law 11-152, § 301(k), 43 DCR 2978.)

§ 31-1547. Retirement.

Repealed.

(Oct. 26, 1974, Pub. L. 93-471, title V, § 507, as added Feb. 24, 1987, D.C. Law 6-177, § 2(a), 33 DCR 7241; Aug. 1, 1996, D.C. Law 11-152, § 301(l), 43 DCR 2978.)

§ 31-1548. Employment rights.

Repealed.

(Oct. 26, 1974, Pub. L. 93-471, title V, § 508, as added Feb. 24, 1987, D.C. Law 6-177, § 2(a), 33 DCR 7241; Aug. 1, 1996, D.C. Law 11-152, § 301(m), 43 DCR 2978.)

§ 31-1553. Merger.

Repealed.

(Oct. 26, 1974, Pub. L. 93-471, title V, § 513, as added Feb. 24, 1987, D.C. Law 6-177, § 2(a), 33 DCR 7241; Mar. 15, 1990, D.C. Law 8-74, § 2(h), 36 DCR 8117; Aug. 1, 1996, D.C. Law 11-152, § 301(o), 43 DCR 2978.)

Editor's notes. — This section is set forth above to provide historical information.

*Subchapter VI. Establishment of District of Columbia School of Law Within the University of the District of Columbia.***§ 31-1561. Establishment; powers of Trustees.**

Repealed.

(Oct. 26, 1974, Pub. L. 93-471, title VI, § 601, as added Feb. 24, 1987, D.C. Law 6-177, § 2(b), 33 DCR 7241; Mar. 15, 1990, D.C. Law 8-74, § 3(a), 36 DCR 8117.)

Editor's notes. — Sections 31-1561 and 31-1562 are set forth herein to provide historical information.

§ 31-1562. Board of Governors.

Repealed.

(Oct. 26, 1974, Pub. L. 93-471, title VI, § 602, as added Feb. 24, 1987, D.C. Law 6-177, § 2(b), 33 DCR 7241; Mar. 15, 1990, D.C. Law 8-74, § 3(a), 36 DCR 8117.)

*Subchapter VII. Provision of Tuition Grants.***§ 31-1571. Definitions.**

For the purposes of this subchapter, the term:

* * * * *

(3) "Eligible parent" means a child's natural or adoptive parent in a family eligible for Temporary Assistance for Needy Families or Program on Work, Employment, and Responsibility pursuant to Chapter 2 of Title 3.

* * * * *

(Apr. 20, 1999, D.C. Law 12-241, § 14, 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 substituted "Temporary Assistance for Needy Families or Program on Work, Employment, and Responsibility pursuant to Chapter 2 of Title 3" for "the Aid to Families with Dependent Children category of public assistance as defined in § 3-201.1(1)" in (3).

Temporary amendment of section. — Section 14 of D.C. Law 12-230 substituted "Temporary Assistance for Needy Families or Program on Work, Employment, and Responsibility pursuant to Chapter 2 of Title 3" for "the Aid to Families with Dependent Children category of public assistance as defined in § 3-201.1(1)" in (3).

Section 18(b) of D.C. Law 12-230 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 14 of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 14 of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 14 of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 45 DCR 521), and § 15 of the Self-Sufficiency Promotion Congress-

sional Review Emergency Amendment Act of 1999 (D.C. 13-19, February 17, 1999, 46 DCR 4292).

Section 17 of D.C. Act 12-552 provides for the retroactive application of the act.

Section 18 of D.C. Act 13-19 provides for the retroactive application of the act.

Legislative history of Law 12-230. — Law 12-230, the "Self-Sufficiency Promotion Temporary Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-557. The Bill was adopted on first and second readings on May 5, 1998, and July 30, 1998, respectively. Signed by the Mayor on August 18, 1998, it was assigned Act No. 12-443 and transmitted to both Houses of Congress for its review. D.C. Law 12-230 became effective on April 20, 1999.

Legislative history of Law 12-241. — Law 12-241, the "Self-Sufficiency Promotion Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-558, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998, respectively. Signed by the Mayor on December 23, 1998, it was assigned Act No. 12-573 and transmitted to both Houses of Congress for its review. D.C. Law 12-241 became effective on April 20, 1999.

CHAPTER 16. EDUCATIONAL LICENSURE COMMISSION.

Sec.

31-1606. Same — Regulations; review of li-

censed institutions; validity of current licenses.

§ 31-1606. Same — Regulations; review of licensed institutions; validity of current licenses.

* * * * *

(e) Any license issued pursuant to this section shall be issued as a Class A Educational Services endorsement to a master business license under the master business license system as set forth in subchapter I-A of Chapter 28 of Title 47. (1973 Ed., § 31-2006; Apr. 6, 1977, D.C. Law 1-104, § 6(b)-(e), 23 DCR 8734; Sept. 6, 1980, D.C. Law 3-83, § 2, 27 DCR 2894; Mar. 14, 1985, D.C. Law 5-159, § 20, 32 DCR 30; Aug. 1, 1985, D.C. Law 6-15, § 6, 32 DCR 3570;

Mar. 16, 1989, D.C. Law 7-217, § 2(f), 36 DCR 523; Mar. 8, 1991, D.C. Law 8-239, § 2(c), 38 DCR 333; Apr. 20, 1999, D.C. Law 12-261, § 2003(x), 46 DCR 3142.)

Effect of amendments. — D.C. Law 12-261 added (e).

Legislative history of Law 12-261. — Law 12-261, the “Second Omnibus Regulatory Reform Amendment Act of 1998,” was introduced in Council and assigned Bill No. 12-615, which was referred to the Committee of the Whole.

The Bill was adopted on first and second readings on December 1, 1998, and December 15, 1998, respectively. Signed by the Mayor on December 31, 1998, it was assigned Act No. 12-615 and transmitted to both Houses of Congress for its review. D.C. Law 12-261 became effective on April 20, 1999.

CHAPTER 17. MEDICAL AND DENTAL COLLEGES.

Subchapter I. Registration.

Sec.

31-1701. Registration of medical and dental colleges — Required; permit.

Subchapter I. Registration.

§ 31-1701. Registration of medical and dental colleges — Required; permit.

(a) It shall be unlawful for any medical or dental college claiming the authority to confer, or actually conferring, the degree of doctor of medicine, or doctor of dental surgery, not incorporated by a special act of Congress, to conduct its business in the District of Columbia, unless such college shall be registered by the Mayor of the District of Columbia and granted by him a written permit to commence or continue business in said District in compliance with the requirements of this subchapter.

(b) The permit issued pursuant to this section shall be issued as a Class A Educational Services endorsement to a master business license under the master business license system as set forth in subchapter I-A of Chapter 28 of Title 47. (May 4, 1896, 29 Stat. 112, ch. 154, § 1; 1973 Ed., § 31-901; Apr. 20, 1999, D.C. Law 12-261, § 2003(y), 46 DCR 3142.)

Effect of amendments. — D.C. Law 12-261 added (b).

Legislative history of Law 12-261. — Law 12-261, the “Second Omnibus Regulatory Reform Amendment Act of 1998,” was introduced in Council and assigned Bill No. 12-615, which was referred to the Committee of the Whole.

The Bill was adopted on first and second readings on December 1, 1998, and December 15, 1998, respectively. Signed by the Mayor on December 31, 1998, it was assigned Act No. 12-615 and transmitted to both Houses of Congress for its review. D.C. Law 12-261 became effective on April 20, 1999.

CHAPTER 18. GALLAUDET COLLEGE.

Subchapter I. Continuation and Administration.

Sec.

31-1805 to 31-1814. [Repealed].

Subchapter II. Model Secondary School for the Deaf.

Sec.

31-1821 to 31-1823. [Repealed].

Subchapter III. Demonstration Elementary School for the Deaf.

Sec.

31-1831 to 31-1834. [Repealed].

*Subchapter I. Continuation and Administration.***§ 31-1805. Successor to Columbia Institution for the Deaf.**

Repealed.

(June 18, 1954, 68 Stat. 265, ch. 324, § 1; 1973 Ed., § 31-1025; Aug. 4, 1986, 100 Stat. 1790, Pub. L. 99-371, § 410.)

Editor's notes. — Sections 31-1805 through 31-1814 are set forth herein to provide historical information.

§ 31-1806. Purposes.

Repealed.

(June 18, 1954, 68 Stat. 265, ch. 324, § 2; 1973 Ed., § 31-1026; Aug. 4, 1986, 100 Stat. 1790, Pub. L. 99-371, § 410.)

§ 31-1807. Property rights; outstanding obligations; conveyances.

Repealed.

(June 18, 1954, 68 Stat. 265, ch. 324, § 3; Sept. 13, 1960, 74 Stat. 917, Pub. L. 86-776, § 4; 1973 Ed., § 31-1027; Aug. 4, 1986, 100 Stat. 1790, Pub. L. 99-371, § 410.)

§ 31-1808. Gifts of property.

Repealed.

(June 18, 1954, 68 Stat. 265, ch. 324, § 4; 1973 Ed., § 31-1028; Aug. 4, 1986, 100 Stat. 1790, Pub. L. 99-371, § 410.)

§ 31-1809. Board of Directors — Appointment; composition; terms; removal.

Repealed.

(June 18, 1954, 68 Stat. 265, ch. 324, § 5; July 23, 1968, 82 Stat. 397, Pub. L. 90-415, §§ 1,2; 1973 Ed., § 31-1029; Aug. 4, 1986, 100 Stat. 1790, Pub. L. 99-371, § 410.)

§ 31-1810. Same — powers.

Repealed.

(June 18, 1954, 68 Stat. 266, ch. 324, § 6; 1973 Ed., § 31-1030; Aug. 4, 1986, 100 Stat. 1790, Pub. L. 99-371, § 410.)

§ 31-1811. Financial transactions and accounts; annual report to the Secretary of Education.

Repealed.

(June 18, 1954, 68 Stat. 266, ch. 324, § 7; 1973 Ed., § 31-1031; Aug. 4, 1986, 100 Stat. 1790, Pub. L. 99-371, § 410.)

§ 31-1812. Appropriations.

Repealed.

(June 18, 1954, 68 Stat. 266, ch. 324, § 8; 1973 Ed., § 31-1032; Aug. 4, 1986, 100 Stat. 1790, Pub. L. 99-371, § 410.)

§ 31-1813. Grant of certain lands — Transfer.

Repealed.

(Sept. 13, 1960, 74 Stat. 916, Pub. L. 86-776, § 1; 1973 Ed., § 31-1033; Aug. 4, 1986, 100 Stat. 1790, Pub. L. 99-371, § 410.)

§ 31-1814. Delivery of deed.

Repealed.

(Sept. 13, 1960, 74 Stat. 917, Pub. L. 86-776, § 2; 1973 Ed., § 31-1034; Aug. 4, 1986, 100 Stat. 1790, Pub. L. 99-371, § 410.)

*Subchapter II. Model Secondary School for the Deaf.***§ 31-1821. Authorization of appropriations.**

Repealed.

(Oct. 15, 1966, 80 Stat. 1027, Pub. L. 89-694, § 2; 1973 Ed., § 31-1051; Aug. 4, 1986, 100 Stat. 1790, Pub. L. 99-371, § 410.)

Editor's notes. — Sections 31-1821 through 31-1823 are set forth herein to provide historical information.

§ 31-1822. Definitions.

Repealed.

(Oct. 15, 1966, 80 Stat. 1027, Pub. L. 89-694, § 3; 1973 Ed., § 31-1052; Aug. 4, 1986, 100 Stat. 1790, Pub. L. 99-371, § 410.)

§ 31-1823. Agreement with Gallaudet College; annual report.

Repealed.

(Oct. 15, 1966, 80 Stat. 1027, Pub. L. 89-694, § 4; 1973 Ed., § 31-1053; Aug. 4, 1986, 100 Stat. 1790, Pub. L. 99-371, § 410.)

*Subchapter III. Demonstration Elementary School for the Deaf.***§ 31-1831. Operation authorized.**

Repealed.

(Dec. 24, 1970, 84 Stat. 1579, Pub. L. 91-587, § 1; 1973 Ed., § 31-1071; Aug. 4, 1986, 100 Stat. 1790, Pub. L. 99-371, § 410.)

Editor's notes. — Sections 31-1831 through 31-1834 are set forth herein to provide historical information.

§ 31-1832. Definitions.

Repealed.

(Dec. 24, 1970, 84 Stat. 1579, Pub. L. 91-587, § 2; 1973 Ed., § 31-1072; Aug. 4, 1986, 100 Stat. 1790, Pub. L. 99-371, § 410.)

§ 31-1833. Authorization of appropriations.

Repealed.

(Dec. 24, 1970, 84 Stat. 1579, Pub. L. 91-587, § 3; 1973 Ed., § 31-1073; Aug. 4, 1986, 100 Stat. 1790, Pub. L. 99-371, § 410.)

§ 31-1834. Design and construction of facilities.

Repealed.

(Dec. 24, 1970, 84 Stat. 1579, Pub. L. 91-587, § 4; 1973 Ed., § 31-1074; Aug. 4, 1986, 100 Stat. 1790, Pub. L. 99-371, § 410.)

CHAPTER 18A. EDUCATION FOR THE DEAF.*Subchapter I. Gallaudet University; National Technical Institute for the Deaf.*

Subpart B. Kendall Demonstration Elementary School.

Sec.
31-1841.4. [Repealed].

Subpart C. Model Secondary School for the Deaf.

31-1841.5, 31-1841.6. [Repealed].

Subchapter III. Commission on Education of the Deaf.

Sec.
31-1843.1 to 31-1843.4. [Repealed].

Subchapter IV. Special Education and Assessment.

31-1861. Assessment and placement of special education students.

Subchapter I. Gallaudet University; National Technical Institute for the Deaf.

Subpart B. Kendall Demonstration Elementary School.

§ 31-1841.4. Authority of Gallaudet University.

Repealed.

(Aug. 4, 1986, 100 Stat. 1790, Pub. L. 99-371, § 111; Oct. 1, 1992, 106 Stat. 2151, Pub. L. 102-421, § 101(a)(1).)

Editor's notes. — This section is set forth above to provide historical information.

Subpart C. Model Secondary School for the Deaf.

§ 31-1841.5. Authority of Gallaudet University.

Repealed.

(Aug. 4, 1986, 100 Stat. 1790, Pub. L. 99-371, § 121; Oct. 1, 1992, 106 Stat. 2151, Pub. L. 102-421, § 101(a)(1).)

Editor's notes. — Sections 31-1841.5 and 31-1841.6 are set forth herein to provide historical information.

§ 31-1841.6. Agreement with Gallaudet University for model secondary school.

Repealed.

(Aug. 4, 1986, 100 Stat. 1790, Pub. L. 99-371, § 122; Oct. 1, 1992, 106 Stat. 2151, Pub. L. 102-421, § 101(a)(1).)

*Subchapter III. Commission on Education of the Deaf.***§ 31-1843.1. Commission established.**

Repealed.

(Aug. 4, 1986, 100 Stat. 1790, Pub. L. 99-371, § 301; Oct. 1, 1992, 106 Stat. 2151, Pub. L. 102-421, § 101(a)(2).)

Editor's notes. — Sections 31-1843.1 through 31-1843.4 are set forth herein to provide historical information.

§ 31-1843.2. Duties of Commission.

Repealed.

(Aug. 4, 1986, 100 Stat. 1790, Pub. L. 99-371, § 302; Oct. 1, 1992, 106 Stat. 2151, Pub. L. 102-421, § 101(a)(2).)

§ 31-1843.3. Administrative provisions.

Repealed.

(Aug. 4, 1986, 100 Stat. 1790, Pub. L. 99-371, § 303; Oct. 1, 1992, 106 Stat. 2151, Pub. L. 102-421, § 101(a)(2).)

§ 31-1843.4. Compensation of members.

Repealed.

(Aug. 4, 1986, 100 Stat. 1790, Pub. L. 99-371, § 304; Oct. 1, 1992, 106 Stat. 2151, Pub. L. 102-421, § 101(a)(2).)

Subchapter IV. Special Education and Assessment.

§ 31-1861. Assessment and placement of special education students.

(a) The District of Columbia Board of Education (“Board”), or its successor, and the District of Columbia Public Schools (“DCPS”) shall assess or evaluate a student, who may have a disability and who may require special education services, within 60 days from the date that the student was referred for an evaluation or assessment.

(b) If a student is classified as having a disability, as defined in section 101(a)(1) of the Individuals with Disabilities Education Act, approved April 13, 1970 (84 Stat. 175, 20 U.S.C. § 1401(a)(1)) or in section 7(8) of the Rehabilitation Act of 1973, approved September 26, 1973 (87 Stat. 359, 29 U.S.C. § 706(8)), the Board and DCPS shall place that student in an appropriate public, private, or residential placement within 60 days from the date that the evaluation or assessment was completed. (Mar. 26, 1999, D.C. Law 12-175, § 602, 45 DCR 7193.)

Emergency act amendments. — For temporary amendment of section, see § 2 of the Assessment and Placement of Special Education Students Emergency Act of 1998 (D.C. Act 12-375, June 5, 1998, 45 DCR 4459).

Legislative history of Law 12-175. — Law 12-175, the “Fiscal Year 1999 Budget Support Act of 1998,” was introduced in Council and assigned Bill No. 12-618, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 5, 1998, and June 2, 1998, respectively. Signed by the Mayor on June 23, 1998, it was assigned Act No. 12-399 and transmitted to both Houses

of Congress for its review. D.C. Law 12-175 became effective on March 26, 1999.

Application of D.C. Law 12-175. — Section 604 of D.C. Law 12-175 provided that the act shall apply upon enactment by the United States Congress of legislation authorizing 120 days for the Board of Education and the District of Columbia Public Schools to assess and place special education students.

Special Education Assessment and Placement Act of 1998. — Section 601 of D.C. Law 12-175 provided that Title VI of the act may be cited as the “Special Education Assessment and Placement Act of 1998.”

CHAPTER 19. LAW SCHOOL CLINICAL PROGRAMS FUNDING.

§ 31-1901. Findings.

Repealed.

(1973 Ed., § 31-2101; Mar. 3, 1979, D.C. Law 2-143, § 2, 25 DCR 6114; Mar. 21, 1995, D.C. Law 10-234, § 3, 42 DCR 28.)

Editor's notes. — Sections 31-1901 through 31-1906 are set forth herein to provide historical information.

§ 31-1902. Program established.

Repealed.

(1973 Ed., § 31-2102; Mar. 3, 1979, D.C. Law 2-143, § 3, 25 DCR 6114; Mar. 21, 1995, D.C. Law 10-234, § 3, 42 DCR 28.)

§ 31-1903. Administration of grants.

Repealed.

(1973 Ed., § 31-2103; Mar. 3, 1979, D.C. Law 2-143, § 4, 25 DCR 6114; Mar. 21, 1995, D.C. Law 10-234, § 3, 42 DCR 28.)

§ 31-1904. Eligibility for funds.

Repealed.

(1973 Ed., § 31-2104; Mar. 3, 1979, D.C. Law 2-143, § 5, 25 DCR 6114; Mar. 21, 1995, D.C. Law 10-234, § 3, 42 DCR 28.)

§ 31-1905. Prohibited use of funds.

Repealed.

(1973 Ed., § 31-2105; Mar. 3, 1979, D.C. Law 2-143, § 6, 25 DCR 6114; Mar. 21, 1995, D.C. Law 10-234, § 3, 42 DCR 28.)

§ 31-1906. Appropriation.

Repealed.

(1973 Ed., § 31-2106; Mar. 3, 1979, D.C. Law 2-143, § 7, 25 DCR 6114; Mar. 21, 1995, D.C. Law 10-234, § 3, 42 DCR 28.)

CHAPTER 20. COMMISSION ON THE ARTS AND HUMANITIES.

Sec. 31-2005.1. Arts and Humanities Enterprise	Fund; establishment; accounting; investment.
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§ 31-2003. Establishment; composition; terms; vacancies; compensation.

Section references. — This section is referred to in § 1-633.7.

§ 31-2005.1. Arts and Humanities Enterprise Fund; establishment; accounting; investment.

* * * * *

(Apr. 20, 1999, D.C. Law 12-264, § 29, 46 DCR 2118.)

Effect of amendments.

D.C. Law 12-264, in (c), validated a previously made technical correction.

Legislative history of Law 12-264. — Law 12-264, the “Technical Amendments Act of 1998,” was introduced in Council and assigned Bill No. 12-804, which was referred to the

Committee of the Whole. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998, respectively. Signed by the Mayor on January 7, 1999, it was assigned Act No. 12-626 and transmitted to both Houses of Congress for its review. D.C. Law 12-264 became effective on April 20, 1999.

CHAPTER 22. MISCELLANEOUS PROVISIONS.

Sec.

31-2217. Same — Public hearings.

§ 31-2217. Same — Public hearings.

* * * * *

(Apr. 20, 1999, D.C. Law 12-264, § 30, 46 DCR 2118.)

Effect of amendments. — D.C. Law 12-264, in (4)(C), validated a previously made technical correction.

Legislative history of Law 12-264. — Law 12-264, the “Technical Amendments Act of 1998,” was introduced in Council and assigned Bill No. 12-804, which was referred to the

Committee of the Whole. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998, respectively. Signed by the Mayor on January 7, 1999, it was assigned Act No. 12-626 and transmitted to both Houses of Congress for its review. D.C. Law 12-264 became effective on April 20, 1999.

CHAPTER 24. STUDENT HEALTH CARE.

Subchapter II. Public School Nurses.

Sec.

31-2421. Assignment to schools; hours; level of

services; nurse or athletic trainer at sponsored athletic events; funding.

Subchapter I. General Provisions.

§ 31-2401. Definitions.

Section references. — This section is referred to in § 31-1516.

*Subchapter II. Public School Nurses.***§ 31-2421. Assignment to schools; hours; level of services; nurse or athletic trainer at sponsored athletic events; funding.**

* * * * *

(e)(1) Appropriate medical coverage shall be consistent with the risk of injury involved in the interscholastic athletic event. The medical personnel that shall be present at an interscholastic athletic event that occurs in the District and that is sponsored by a District secondary public school shall be detailed as follows:

(A) For varsity football, a licensed medical doctor and for non-varsity football, a licensed medical doctor or certified athletic trainer;

* * * * *

(Apr. 13, 1999, D.C. Law 12-224, § 2, 46 DCR 483.)

Effect of amendments.

D.C. Law 12-224, in (e)(1)(A), inserted “varsity,” and added “and for non-varsity football, a licensed medical doctor or certified athletic trainer.”

Temporary amendment of section. — Section 2 of D.C. Law 12-182 in (e)(1)(A), inserted “varsity,” and added “and for non-varsity football, a licensed medical doctor or certified athletic trainer.”

Section 4(b) of D.C. Law 12-182 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments.

For temporary amendment of section, see § 2 of the Public School Nurse Assignment Emergency Amendment Act of 1998 (D.C. Act 12-448, September 18, 1998, 45 DCR 6665), and § 2 of the Public School Nurse Assignment Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-555, December 30, 1998, 45 DCR 570).

Legislative history of Law 12-182. — Law 12-182, the “Public School Nurse Assignment

Temporary Amendment Act of 1998,” was introduced in Council and assigned Bill No. 12-739. The Bill was adopted on first and second readings on July 30, 1998, and September 22, 1998, respectively. Signed by the Mayor on October 1, 1998, it was assigned Act No. 12-453 and transmitted to both Houses of Congress for its review. D.C. Law 12-182 became effective on March 26, 1999.

Legislative history of Law 12-224. — Law 12-224, the “Public School Nurse Assignment Amendment Act of 1998,” was introduced in Council and assigned Bill No. 12-722, which was referred to the Committee on Education, Libraries, and Recreation. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998, respectively. Signed by the Mayor on December 11, 1998, it was assigned Act No. 12-542 and transmitted to both Houses of Congress for its review. D.C. Law 12-224 became effective on April 13, 1999.

CHAPTER 25. INFORMATION TECHNOLOGY.*Subchapter I. Education in Partnership with Technology Corporation.*

Sec.

31-2501 to 31-2512. [Repealed].

Subchapter I. Education in Partnership with Technology Corporation.

§ 31-2501. Education in Partnership with Technology Corporation established.

Repealed.

(Feb. 24, 1987, D.C. Law 6-170, § 2, 33 DCR 7188; Apr. 29, 1998, D.C. Law 12-86, § 401(j), 45 DCR 1172.)

Editor's notes. — Sections 31-2501 through 31-2512 are set forth herein to provide historical information.

§ 31-2502. Functions.

Repealed.

(Feb. 24, 1987, D.C. Law 6-170, § 3, 33 DCR 7188; Apr. 29, 1998, D.C. Law 12-86, § 401(j), 45 DCR 1172.)

§ 31-2503. Private participation.

Repealed.

(Feb. 24, 1987, D.C. Law 6-170, § 4, 33 DCR 7188; Apr. 29, 1998, D.C. Law 12-86, § 401(j), 45 DCR 1172.)

§ 31-2504. Board of directors; composition; appointment; term of office; vacancies; quorum.

Repealed.

(Feb. 24, 1987, D.C. Law 6-170, § 5, 33 DCR 7188; Apr. 29, 1998, D.C. Law 12-86, § 401(j), 45 DCR 1172.)

§ 31-2505. Powers of the EPTC.

Repealed.

(Feb. 24, 1987, D.C. Law 6-170, § 6, 33 DCR 7188; Apr. 29, 1998, D.C. Law 12-86, § 401(j), 45 DCR 1172.)

§ 31-2506. Duties and responsibilities; authorizations; promulgation of rules.

Repealed.

(Feb. 24, 1987, D.C. Law 6-170, § 7, 33 DCR 7188; May 10, 1989, D.C. Law 7-231, § 38, 36 DCR 492; Apr. 29, 1998, D.C. Law 12-86, § 401(j), 45 DCR 1172.)

§ 31-2507. Conflict of interest.

Repealed.

(Feb. 24, 1987, D.C. Law 6-170, § 8, 33 DCR 7188; Apr. 29, 1998, D.C. Law 12-86, § 401(j), 45 DCR 1172.)

§ 31-2508. Capitalization.

Repealed.

(Feb. 24, 1987, D.C. Law 6-170, § 9, 33 DCR 7188; Apr. 8, 1992, D.C. Law 9-93, § 2, 39 DCR 1371; Apr. 29, 1998, D.C. Law 12-86, § 401(j), 45 DCR 1172.)

§ 31-2509. Exemption from District of Columbia taxes and assessments.

Repealed.

(Feb. 24, 1987, D.C. Law 6-170, § 10, 33 DCR 7188; Apr. 29, 1998, D.C. Law 12-86, § 401(j), 45 DCR 1172.)

§ 31-2510. Annual audit; report.

Repealed.

(Feb. 24, 1987, D.C. Law 6-170, § 11, 33 DCR 7188; Apr. 29, 1998, D.C. Law 12-86, § 401(j), 45 DCR 1172.)

§ 31-2511. Employee requirements.

Repealed.

(Feb. 24, 1987, D.C. Law 6-170, § 12, 33 DCR 7188; Apr. 29, 1998, D.C. Law 12-86, § 401(j), 45 DCR 1172.)

§ 31-2512. Title to property upon dissolution.

Repealed.

(Feb. 24, 1987, D.C. Law 6-170, § 13, 33 DCR 7188; Apr. 29, 1998, D.C. Law 12-86, § 401(j), 45 DCR 1172.)

CHAPTER 28. CHARTER SCHOOLS.

Subchapter II. District of Columbia School Reform.

Subpart D. Per Capita District of Columbia Public School and Public Charter School Funding.

Sec.

31-2853.42a. Public school enrollment census.

Subchapter II. District of Columbia School Reform.

Subpart D. Per Capita District of Columbia Public School and Public Charter School Funding.

§ 31-2853.41. Annual budgets for schools.

Section references. — This section is referred to in §§ 31-2853.43 and 31-2901.

§ 31-2853.42a. Public school enrollment census.

(a) The Board of Education and the District of Columbia Public Schools shall hire an independent contractor to perform a census of the enrolled students in the D.C. Public Schools as well as the school employees, their job classifications, and duties.

(b) The independent contractor shall count the number of students enrolled in the District of Columbia Public Schools. The count shall include the information specified in § 31-2853.42(b).

(c) The independent contractor shall submit the census report to the Council, Mayor, and the Financial Authority on or before January 1, 1999, and in subsequent years as needed. (Mar. 26, 1999, D.C. Law 12-175, § 702, 45 DCR 7193.)

Emergency act amendments. — For temporary addition of section, see § 402 of the Fiscal Year 1999 Budget Support Emergency Act of 1998 (D.C. Act 12-401, July 13, 1998, 45 DCR 4794), and § 402 of the Fiscal Year 1999 Budget Support Congressional Review Emergency Act of 1998 (D.C. Act 12-564, January 12, 1999, 46 DCR 669).

Section 2101 of D.C. Act 12-564 provides for the application of the act.

Legislative history of Law 12-175. — Law 12-175, the “Fiscal Year 1999 Budget Support Act of 1998,” was introduced in Council and

assigned Bill No. 12-618, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 5, 1998, and June 2, 1998, respectively. Signed by the Mayor on June 23, 1998, it was assigned Act No. 12-399 and transmitted to both Houses of Congress for its review. D.C. Law 12-175 became effective on March 26, 1999.

Public School Enrollment Census Act of 1998. — Section 701 of D.C. Law 12-175 provided that Title VII of the act may be cited as the “Public School Enrollment Census Act of 1998.”

§ 31-2853.43. Payments.

Section references. — This section is referred to in §§ 31-2853.42, 31-2843.43 and 31-2905.

CHAPTER 29. UNIFORM PER STUDENT FUNDING FORMULA.

Sec.

- 31-2901. Definitions.
- 31-2902. Applicability of Formula.
- 31-2903. Foundation level.
- 31-2904. Weightings applied to counts of students enrolled at certain grade levels.
- 31-2905. Supplement to foundation level funding on the basis of the count of

Sec.

- special education, LEP/NEP, summer school, and residential school students.
- 31-2906. Pupil count.
- 31-2907. State level costs of District of Columbia Public Schools.
- 31-2908. Facilities allowance for Public Charter Schools.

Sec.	Sec.
31-2909. Cost of education adjustment.	31-2911. Periodic revision of Formula.
31-2910. Procedure for adjusting appropriation in case of revenue unavailability.	31-2912. Variations in per pupil allocations.

§ 31-2901. Definitions.

For the purposes of this chapter, the term:

(1) "Adult education" means services or instruction below the college level for adults who:

(A) Lack sufficient mastery of basic educational skills to enable them to function effectively in society;

(B) Do not have a certificate of graduation from a school providing secondary education and who have not achieved an equivalent level of education; or

(C) Have limited ability in speaking, reading, writing, or understanding the English language and whose native language is a language other than English.

(2) "Alternative school" means a specialized educational program that provides instruction to students under court supervision or on short- and long-term suspension from a regular District of Columbia Public School academic program.

(3) "Consumer Price Index" ("CPI") means the Consumer Price Index for all urban consumers for Washington, DC-MD-VA, Index Base Period 1982-84 or its successor, as issued by the United States Department of Labor, Bureau of Labor Statistics.

(4) "District of Columbia Public Schools" ("DCPS") means the public local education system under the control of the Board of Education or of the Emergency Transitional Education Board of Trustees in its function. The term does not include Public Charter Schools.

(5) "Foundation" or "foundation level" means the amount of funding per weighted student needed to provide adequate regular education services to students. Regular education services do not include special education, language minority education, summer school, capital costs, state education agency functions or services funded through federal and other non-appropriated revenue sources.

(6) "Full-time equivalent" means student and adult enrollment for the equivalent of:

(A) Five hours or more per school day for a minimum of 180 school days; or

(B) Three hours per night for a minimum of 4 nights per week for 36 weeks per school year.

(7) "Limited English Proficient/Non-English Proficient" ("LEP/NEP") means students identified in accordance with federal law as entitled to English as a second language or bilingual services on the basis of their English language proficiency.

(8) "Per student funding formula" ("Formula") means the formula used to determine annual operating funding for DCPS and Public Charter Schools on a uniform per student basis, pursuant to § 31-2853.41.

(9) "Public Charter School" means a publicly funded school established pursuant to §§ 31-2853.11 through 31-2853.24; and except as provided in §§ 31-2853.22(d)(5) and 31-2853.23(c)(5), is not a part of the DCPS.

(10) "Residential school" means a DCPS or Public Charter School that provides students with room and board in a residential setting, in addition to their instructional program.

(11) "Special education" means specialized services for students identified as having disabilities, as provided in section 101(a)(1) of the Individuals with Disabilities Education Act, approved April 13, 1970 (84 Stat. 175; 20 U.S.C. § 1401(a)(1)), or students who are individuals with a disability as provided in section 7(8) of the Rehabilitation Act of 1973, approved September 26, 1973 (87 Stat. 359; 29 U.S.C. § 706(8)).

(12) "State level costs" means costs incurred by the DCPS in its function as a state education agency, including the census of minors pursuant to § 31-404, impact aid surveys, issuance of work permits, conduct of hearings and appeals, employee certification, administration of federal aid to agencies or institutions outside of the DCPS or Public Charter Schools administration. For purposes of the Formula, transportation of handicapped students and payment of tuition for private placements of handicapped children are considered state level costs.

(13) "Summer school" means an accelerated instructional program in the summer for students in targeted grades or grade spans pursuant to promotion policies.

(14) "Weighting" is a multiplication factor applied to the foundation cost for student counts in certain grade levels or special needs programs to account for differences in the cost of educating these students. (Mar. 26, 1999, D.C. Law 12-207, § 102, 45 DCR 8095.)

Temporary addition of chapter. — Section 2 of D.C. Law 12-180 enacted §§ 31-2901 through 31-2912, comprising Chapter 29 of Title 31.

Section 18(b) of D.C. Law 12-180 provided that this act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary addition of chapter, see §§ 2-15 of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Second Emergency Act of 1998 (D.C. Act 12-392, July 17, 1998, 45 DCR 6433), and §§ 2-15 of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Congressional Review Emergency Act of 1999 (D.C. Act 13-15, February 10, 1999, 46 DCR 2340).

Legislative history of Law 12-180. — Law 12-180, the "Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Second Temporary Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-680. The Bill was adopted on first and second readings on June 2, 1998, and July 7, 1998, respectively. Signed by the Mayor on

July 23, 1998, it was assigned Act No. 12-426 and transmitted to both Houses of Congress for its review. D.C. Law 12-180 became effective on March 26, 1999.

Legislative history of Law 12-207. — Law 12-207, the "Uniform Per Student Funding Formula for Public Schools and Public Charter Schools and Tax Conformity Clarification Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-615, which was referred to the Committee on Education, Libraries, and Recreation. The Bill was adopted on first and second readings on July 7, 1998, and September 22, 1998, respectively. Signed by the Mayor on October 16, 1998, it was assigned Act No. 12-494 and transmitted to both Houses of Congress for its review. D.C. Law 12-207 became effective on March 26, 1999.

Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act. — D.C. Law 12-207 provided that this chapter may be cited as the "Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998."

§ 31-2902. Applicability of Formula.

(a) The Formula shall apply to operating budget appropriations for District of Columbia resident students in DCPS and Public Charter Schools of the District of Columbia. The student count to which the Formula is applied shall not include students enrolled in private institutions providing special education services paid by the District of Columbia or to nonresident students subject to the requirement of paying tuition pursuant to §§ 31-602 through 31-606.

(b) The Formula shall apply only to operating budget appropriations from the District of Columbia General Fund for DCPS and for Public Charter Schools. It shall not apply to funds from federal or other revenue sources, or to funds appropriated to other agencies and funds of the District government.

(c) The Formula shall apply only to Public Charter Schools until the DCPS student enrollment count is verified by an independent contractor who shall perform a census on the student enrollment of the DCPS. The count shall include the information provided in § 31-2853.42(b). (Mar. 26, 1999, D.C. Law 12-207, § 103, 45 DCR 8095.)

Temporary addition of chapter. — See note to § 31-2901.

Legislative history of Law 12-180. — See note to § 31-2901.

Emergency act amendments. — For temporary addition of chapter, see note to § 31-2901.

Legislative history of Law 12-207. — See note to § 31-2901.

§ 31-2903. Foundation level.

The foundation level or cost of providing public education services is \$5,500 per student for FY 1999 and subsequent years. The foundation level may be revised in subsequent years in accordance with provisions for inflation, revenue unavailability, and periodic review and revision of the Formula, pursuant to §§ 31-2909, 31-2910, 31-2911. (Mar. 26, 1999, D.C. Law 12-207, § 104, 45 DCR 8095.)

Temporary addition of chapter. — See note to § 31-2901.

Legislative history of Law 12-180. — See note to § 31-2901.

Emergency act amendments. — For temporary addition of chapter, see note to § 31-2901.

Legislative history of Law 12-207. — See note to § 31-2901.

§ 31-2904. Weightings applied to counts of students enrolled at certain grade levels.

(a) The student counts at certain grade levels and in certain programs shall be weighted to provide an amount per student differing from the basic foundation level in accordance with the following schedule:

Grade levels	Weighting	Total per pupil allocation in FY 1999
Pre-School	1.16	\$ 6,380
Pre-Kindergarten		

Grades K-5	1.05	\$ 5,775
Ungraded enrolled in elementary schools		
Grades 6-8	1.00	\$ 5,500
Ungraded enrolled in middle or junior high schools		
Grades 9-12	1.20	\$ 6,600
Ungraded enrolled in senior high schools		
Alternative school all grade levels		
Adult	0.75	\$ 4,125

(b) The weighting for grades 9-12, ungraded senior high school students and alternative school students shall be phased in as follows:

- (1) FY 1999: Weighting 1.20;
- (2) FY 2000: Weighting 1.25; and
- (3) FY 2001 and subsequent years: Weighting 1.30. (Mar. 26, 1999, D.C. Law 12-207, § 105, 45 DCR 8095.)

Temporary addition of chapter. — See note to § 31-2901.

Emergency act amendments. — For temporary addition of chapter, see note to § 31-2901.

Legislative history of Law 12-180. — See note to § 31-2901.

Legislative history of Law 12-207. — See note to § 31-2901.

§ 31-2905. Supplement to foundation level funding on the basis of the count of special education, LEP/NEP, summer school, and residential school students.

(a) In addition to grade level allocations, supplemental allocations shall be provided on the basis of the count of students identified as entitled to and receiving:

- (1) Special education;
- (2) English as a second language or bilingual education services; or
- (3) Summer school instruction for students who do not meet literacy standards pursuant to promotion policies of the DCPS or Public Charter Schools as defined in § 31.2853.41(b)(3)(B)(ii).

(b) Supplemental allocations shall be provided for each student in full-time residence at a residential DCPS or Public Charter School.

(c) These supplemental allocations shall be calculated by applying weightings to the foundation level as follows:

Level/Program	Definition	Weighting \$\$ per pupil	Supplemental FY 1999
Level 1			
Special Education	Regular class; special education services less than 6 hours/school week	+0.22	\$ 1,210
Level 2			
Special Education	Resource room; special education services 7-15 hours/school week	+0.80	\$ 4,400
Level 3			
Special Education	Separate class; special education services more than 15 hours/school week	+1.73	\$ 9,515
Level 4			
Special Education	Separate DCPS or Public Charter School	+1.72	\$ 9,460
LEP/NEP	Limited and non-English proficient students	+0.4	\$ 2,200
Summer School	An accelerated instructional program in the summer for students who do not meet literacy standards pursuant to promotion policies of the District of Columbia Public Schools and Public Charter Schools.	+0.10	\$ 550
Residential	D.C. Public School or Public Charter School that provides students with room and board in a residential setting, in addition to their instructional program.	+1.7	\$ 9,350

(d) The above weightings shall be applied cumulatively in the counts of students who fall into more than one of the above categories. (Mar. 26, 1999, D.C. Law 12-207, § 106, 45 DCR 8095.)

Temporary addition of chapter. — See note to § 31-2901.

Emergency act amendments. — For temporary addition of chapter, see note to § 31-2901.

Legislative history of Law 12-180. — See note to § 31-2901.

Legislative history of Law 12-207. — See note to § 31-2901.

§ 31-2906. Pupil count.

Annual appropriations pursuant to the Formula shall be based on the number of resident students enrolled as of October 1 in the year preceding the

fiscal year for which the appropriation is made. This count shall be verified by an independent contractor who shall perform a census on the student enrollment of the DCPS. The count shall include the information provided in § 31-2853.42(a) and (b), and after verification shall be transmitted to the Mayor, Council, and the Authority no later than the following January 1. If the verification has not been transmitted by January 1, the Chair of the Council committee with oversight responsibilities for DCPS shall instruct the District of Columbia Auditor to determine the resident enrollment based on the best evidence available, and this count, as certified by the Auditor, shall be the basis for the annual appropriation. (Mar. 26, 1999, D.C. Law 12-207, § 107, 45 DCR 8095.)

Temporary addition of chapter. — See note to § 31-2901.

Emergency act amendments. — For temporary addition of chapter, see note to § 31-2901.

Legislative history of Law 12-180. — See note to § 31-2901.

Legislative history of Law 12-207. — See note to § 31-2901.

§ 31-2907. State level costs of District of Columbia Public Schools.

(a) Transportation for handicapped students, tuition payments for private placements for handicapped students, and state education agency functions of the DCPS system are not covered by the Formula and shall be appropriated by the Mayor and Council in addition to the amount generated by the Formula.

(b) DCPS in its function as the state education agency for the District of Columbia shall perform all state education agency functions for Public Charter Schools that it performs for private schools and for DCPS in its function as a local education agency. (Mar. 26, 1999, D.C. Law 12-207, § 108, 45 DCR 8095.)

Temporary addition of chapter. — See note to § 31-2901.

Emergency act amendments. — For temporary addition of chapter, see note to § 31-2901.

Legislative history of Law 12-180. — See note to § 31-2901.

Legislative history of Law 12-207. — See note to § 31-2901.

§ 31-2908. Facilities allowance for Public Charter Schools.

(a) The FY 1999 facility allowance for Public Charter Schools shall be determined as follows: The total funds being estimated from all sources for the FY 1998 DCPS capital improvement program shall be divided by the 1997-1998 school year ("SY") DCPS pupil count, as defined in § 31-2906, to determine the "DCPS per pupil facility cost" for FY 1999. For FY 1999 only, this DCPS per pupil facility cost shall be multiplied by the number of students estimated to be attending each Public Charter School in SY 1998-1999 to determine the actual facility allowance payments to be received by each charter school in FY 1999.

(b) For FY 2000 and succeeding fiscal years, the facility allowance for Public Charter Schools shall be determined as described in subsection (a) of this section, except that the DCPS per pupil facility cost for FY 2000 shall be averaged with the DCPS per pupil facility cost for FY 1999, to determine the Public Charter School per pupil facility allowance for FY 2000. The FY 2000

Public Charter School per pupil facility allowance shall then be multiplied by the number of students estimated to be attending each Public Charter School in SY 1999-2000 to determine the actual facility allowance payments to be received by each Public Charter School in FY 2000. This "moving average" shall add one year each year until a total of 5 years are included in the calculations. Thereafter, the calculations shall include the most recent 5 years.

(c) If supplemental funds for the capital improvement program are received by DCPS during any given fiscal year, the total of those supplemental funds shall be added to that fiscal year's capital improvement program in determining that year's DCPS per pupil facility cost in the next fiscal year's calculations of the moving average.

(d) For FY 1999, the facilities allowance for Public Charter Schools shall be \$617.00 per student.

(e) Payment of the facility allowance to each Public Charter School which has applied shall be made on the same schedule as required for the payment of the per pupil allotments for operating funds, that is, 75% in October and 25% by May 1st of each school year. (Mar. 26, 1999, D.C. Law 12-207, § 109, 45 DCR 8095.)

Temporary addition of chapter. — See note to § 31-2901.

Emergency act amendments. — For temporary addition of chapter, see note to § 31-2901.

Legislative history of Law 12-180. — See note to § 31-2901.

Legislative history of Law 12-207. — See note to § 31-2901.

§ 31-2909. Cost of education adjustment.

The foundation level shall be increased annually by the average percentage increase in the CPI for the preceding calendar year, or by 4%, whichever is less. (Mar. 26, 1999, D.C. Law 12-207, § 110, 45 DCR 8095.)

Temporary addition of chapter. — See note to § 31-2901.

Emergency act amendments. — For temporary addition of chapter, see note to § 31-2901.

Legislative history of Law 12-180. — See note to § 31-2901.

Legislative history of Law 12-207. — See note to § 31-2901.

§ 31-2910. Procedure for adjusting appropriation in case of revenue unavailability.

If in any given fiscal year the Council finds that full funding of the Formula from local revenues is inconsistent with legal requirements for a balanced budget, the following shall apply:

(1) The Council shall reduce the foundation level accordingly, and set a schedule for achieving or restoring full funding, however, funding shall not be less than 95% of the previous fiscal year's funding; and

(2) The Mayor, Council, Superintendent/CEO, Board of Education and the Emergency Transitional Education Board of Trustees shall use their best efforts to obtain temporary supplemental funding from other revenue sources. (Mar. 26, 1999, D.C. Law 12-207, § 111, 45 DCR 8095.)

Temporary addition of chapter. — See note to § 31-2901.

Emergency act amendments. — For temporary addition of chapter, see note to § 31-2901.

Legislative history of Law 12-180. — See note to § 31-2901.

Legislative history of Law 12-207. — See note to § 31-2901.

§ 31-2911. Periodic revision of Formula.

(a) The Mayor and Council, in consultation with representatives of DCPS and of the Public Charter Schools, shall review and revise this Formula within 2 years of its establishment, within 2 years after this initial review and revision, and once every 4 years subsequently. Revisions shall be based upon information and data including study of actual costs of education in the District of Columbia, consideration of performance incentives created by the Formula in practice, research in education and education finance, and public comment.

(b) The study of actual costs of education pursuant to subsection (a) of this section shall include but not be limited to the following:

- (1) The relation of funding levels to student outcomes;
- (2) Maintenance of effort in specified areas of focus to promote continuity of effective practices;
- (3) Improved techniques for determining specific levels of funding needed to provide adequate special education services; and
- (4) Improved measures of change in the cost of education. (Mar. 26, 1999, D.C. Law 12-207, § 112, 45 DCR 8095.)

Temporary addition of chapter. — See note to § 31-2901.

Emergency act amendments. — For temporary addition of chapter, see note to § 31-2901.

Legislative history of Law 12-180. — See note to § 31-2901.

Legislative history of Law 12-207. — See note to § 31-2901.

§ 31-2912. Variations in per pupil allocations.

Variations from uniformity in the Formula are not intended as an exercise of the Council's line-item authority over the DCPS budget. Allocations by the count of students in certain grade levels and programs are intended only to generate total appropriation amounts on a per student basis. (Mar. 26, 1999, D.C. Law 12-207, § 113, 45 DCR 8095.)

Temporary addition of chapter. — See note to § 31-2901.

Emergency act amendments. — For temporary addition of chapter, see note to § 31-2901.

Legislative history of Law 12-180. — See note to § 31-2901.

Legislative history of Law 12-207. — See note to § 31-2901.

TITLE 32. ELEEMOSYNARY, CURATIVE, CORRECTIONAL, AND PENAL INSTITUTIONS.

Chapter

5B. Grievance Procedures for Health Benefits Plans. §§ 32-571.1 to 32-574.1.
13. Health-Care and Community Residence
Facility, Hospice and Home Care Licensure..... §§ 32-1301 to 32-1354.

CHAPTER 1. HOSPITALS AND ASYLUMS; GENERAL PROVISIONS.

Sec.	Sec.
32-101 to 32-111. [Repealed].	32-120. Conveyance of property to Columbia
32-114, 32-115. [Repealed].	Hospital — In general.
32-117 to 32-119. [Repealed].	32-121. [Repealed].
32-119.2. Asbestos abatement — Task Force established.	

§ 32-101. Private facilities — License required.

Repealed.

(Apr. 20, 1908, 35 Stat. 64, ch. 148, § 1; 1973 Ed., § 32-301; Mar. 9, 1983, D.C. Law 4-171, § 19(a), 29 DCR 5297; Feb. 24, 1984, D.C. Law 5-48, § 12(i), 30 DCR 5778.)

Editor's notes. — Sections 32-101 through 32-111 are set forth herein to provide historical information.

§ 32-102. Same — Enforcement of provisions and regulations; inspections.

Repealed.

(Apr. 20, 1908, 35 Stat. 64, ch. 148, § 2; Aug. 1, 1950, 64 Stat. 393, ch. 513, § 1; 1973 Ed., § 32-302; Feb. 24, 1984, D.C. Law 5-48, § 12(i), 30 DCR 5778.)

§ 32-103. Same— Violations of provisions or regulations.

Repealed.

(Apr. 20, 1908, 35 Stat. 65, ch. 148, § 3; 1973 Ed., § 32-303; Feb. 24, 1984, D.C. Law 5-48, § 12(i), 30 DCR 5778.)

§ 32-104. Same — Council authorized to promulgate regulations.

Repealed.

(Apr. 20, 1908, 35 Stat. 65, ch. 148, § 4; 1973 Ed., § 32-304; Mar. 9, 1983, D.C. Law 4-171, § 19(b), 29 DCR 5297; Feb. 24, 1984, D.C. Law 5-48, § 12(i), 30 DCR 5778.)

§ 32-105. Same — Prosecutions.

Repealed.

(Apr. 20, 1908, 35 Stat. 65, ch. 148, § 5; Apr. 1, 1942, 56 Stat. 190, ch. 207, § 1; July 8, 1963, 77 Stat. 77, Pub. L. 88-60, § 1; July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a); 1973 Ed., § 32-305; Feb. 24, 1984, D.C. Law 5-48, § 12(i), 30 DCR 5778.)

§ 32-106. Report of loss of privileges by health care providers.

Repealed.

(1973 Ed., § 32-305a; Apr. 6, 1977, D.C. Law 1-106, § 8, 23 DCR 8737; Feb. 24, 1984, D.C. Law 5-48, § 12(b), 30 DCR 5778.)

§ 32-107. Rules and regulations for Smallpox Hospital.

Repealed.

(June 8, 1896, 29 Stat. 281, ch. 373; 1973 Ed., § 32-306; Feb. 24, 1984, D.C. Law 5-48, § 12(k), 30 DCR 5778.)

§ 32-108. Washington Asylum Hospital continued.

Repealed.

(June 29, 1922, 42 Stat. 702, ch. 249, § 1; 1973 Ed., § 32-307; Feb. 24, 1984, D.C. Law 5-48, § 12(h), 30 DCR 5778.)

§ 32-109. Admission of pay patients to psychopathic ward of General Hospital.

Repealed.

(June 7, 1924, 43 Stat. 568, ch. 302, § 1; 1973 Ed., § 32-308; Feb. 24, 1984, D.C. Law 5-48, § 12(g), 30 DCR 5778.)

§ 32-110. Admission of pay patients to contagious-disease ward of General Hospital.

Repealed.

(Apr. 14, 1932, 47 Stat. 79, ch. 98, § 1; 1973 Ed., § 32-309; Feb. 24, 1984, D.C. Law 5-48, § 12(f), 30 DCR 5778.)

§ 32-111. Admission of pay patients to Glenn Dale Hospital.

Repealed.

(June 7, 1924, 43 Stat. 568, ch. 302, § 1; 1973 Ed., § 32-310; Feb. 24, 1984, D.C. Law 5-48, § 12(g), 30 DCR 5778.)

§ 32-114. Same — Admission of pay patients.

Repealed.

(June 23, 1936, 49 Stat. 1880, ch. 726, § 1; 1973 Ed., § 32-313; Feb. 24, 1984, D.C. Law 5-48, § 12(e), 30 DCR 5778.)

Editor's notes. — Sections 32-114 and 32-115 are set forth herein to provide historical information.

§ 32-115. Receipt of contagious-disease cases by Providence and Garfield Memorial Hospitals.

Repealed.

(July 1, 1898, 30 Stat. 635, ch. 546; Aug. 1, 1950, 64 Stat. 393, ch. 513, § 1; 1973 Ed., § 32-316; Feb. 24, 1984, D.C. Law 5-48, § 12(j), 30 DCR 5778.)

§ 32-117. Charges for treatment of patients.

Repealed.

(July 3, 1945, 59 Stat. 366, ch. 263, title II, § 201; July 26, 1946, 60 Stat. 687, ch. 672, title II, § 201; July 8, 1947, 61 Stat. 265, ch. 210, title II, § 201; 1973 Ed., § 32-318a.)

Editor's notes. — Sections 32-117 through 32-119 are set forth herein to provide historical information.

§ 32-118. Availability of appropriations.

Repealed.

(June 30, 1945, 59 Stat. 282, ch. 209, § 1; 1973 Ed., § 32-321; Feb. 24, 1984, D.C. Law 5-48, § 12(d), 30 DCR 5778.)

§ 32-119. Fees for clinical services; free services.

Repealed.

(July 9, 1946, 60 Stat. 511, ch. 544, § 1; 1973 Ed., § 32-322; June 15, 1977, D.C. Law 2-9, § 2, 24 DCR 1215; Sept. 28, 1977, D.C. Law 2-24, § 4, 24 DCR 3343; Mar. 16, 1982, D.C. Law 4-79, § 505, 29 DCR 126; Apr. 6, 1982, D.C. Law 4-101, §§ 2001, 2101(a) (12), 29 DCR 1060; June 22, 1983, D.C. Law 5-14, § 502, 30 DCR 2632; Mar. 15, 1985, D.C. Law 5-173, § 6, 32 DCR 736.)

§ 32-119.2. Asbestos abatement — Task Force established.

* * * * *

(Apr. 20, 1999, D.C. Law 12-264, § 31, 46 DCR 2118.)

Effect of amendments. — D.C. Law 12-264 validated previously made technical corrections in (b)(1) and (2).

Legislative history of Law 12-264. — Law 12-264, the “Technical Amendments Act of 1998,” was introduced in Council and assigned Bill No. 12-804, which was referred to the

Committee of the Whole. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998, respectively. Signed by the Mayor on January 7, 1999, it was assigned Act No. 12-626 and transmitted to both Houses of Congress for its review. D.C. Law 12-264 became effective on April 20, 1999.

§ 32-120. Conveyance of property to Columbia Hospital — In general.

* * * * *

(Apr. 20, 1999, D.C. Law 12-264, § 32, 46 DCR 2118.)

Effect of amendments. — D.C. Law 12-264, in (1), validated a previously made technical correction.

Legislative history of Law 12-264. — See note to § 32-119.2.

§ 32-121. Same — Restriction on use.

Repealed.

(June 28, 1952, 66 Stat. 287, ch. 486, § 1; 1973 Ed., § 32-323; Aug. 5, 1997, 111 Stat. 786, Pub. L. 105-33, § 11716.)

Editor's notes. — This section is set forth above to provide historical information.

CHAPTER 2. D.C. GENERAL HOSPITAL COMMISSION.

Subchapter I. General Provisions.

Sec.
32-201, 32-202. [Repealed].

Subchapter IV. Hospital Finances.

32-241 to 32-243. [Repealed].

Subchapter II. D.C. General Hospital Commission.

32-211 to 32-224. [Repealed].

Subchapter V. Miscellaneous Provisions.

32-251 to 32-257. [Repealed].

Subchapter III. Hospital Personnel.

Sec.
32-231 to 32-236. [Repealed].

Subchapter I. General Provisions.

§ 32-201. Legislative findings; purpose of chapter.

Repealed.

(1973 Ed., § 32-1301; May 13, 1977, D.C. Law 1-134, title I, § 101, 24 DCR 406; Apr. 9, 1997, D.C. Law 11-212, § 402, 43 DCR 4962, effective upon the first meeting of the Board under § 32-262.4.)

Editor's notes. — Sections 32-201 and 32-202 are set forth herein to provide historical information.

§ 32-202. Definitions.

Repealed.

(1973 Ed., § 32-1302; May 13, 1977, D.C. Law 1-134, title I, § 102, 24 DCR 406; Apr. 9, 1997, D.C. Law 11-212, § 402, 43 DCR 4962, effective upon the first meeting of the Board under § 32-262.4.)

*Subchapter II. D.C. General Hospital Commission.***§ 32-211. Establishment.**

Repealed.

(1973 Ed., § 32-1311; May 13, 1977, D.C. Law 1-134, title II, § 201, 24 DCR 406; Apr. 9, 1997, D.C. Law 11-212, § 402, 43 DCR 4962, effective upon the first meeting of the Board under § 32-262.4.)

Editor's notes. — Sections 32-211 through 32-224 are set forth herein to provide historical information.

§ 32-212. Transfer of duties, powers, and functions to Executive Director; plan to restore solvency; composition.

Repealed.

(1973 Ed., § 32-1312; May 13, 1977, D.C. Law 1-134, title II, § 202, 24 DCR 406; Apr. 9, 1997, D.C. Law 11-212, § 402, 43 DCR 4962, effective upon the first meeting of the Board under § 32-262.4.)

§ 32-213. Qualifications for membership.

Repealed.

(1973 Ed., § 32-1313; May 13, 1977, D.C. Law 1-134, title II, § 203, 24 DCR 406; Apr. 9, 1997, D.C. Law 11-212, § 402, 43 DCR 4962, effective upon the first meeting of the Board under § 32-262.4.)

§ 32-214. Terms of office.

Repealed.

(1973 Ed., § 32-1314; May 13, 1977, D.C. Law 1-134, title II, § 204, 24 DCR 406; Apr. 9, 1997, D.C. Law 11-212, § 402, 43 DCR 4962, effective upon the first meeting of the Board under § 32-262.4.)

§ 32-215. Appointments to vacancies.

Repealed.

(1973 Ed., § 32-1315; May 13, 1977, D.C. Law 1-134, title II, § 205, 24 DCR 406; Apr. 9, 1997, D.C. Law 11-212, § 402, 43 DCR 4962, effective upon the first meeting of the Board under § 32-262.4.)

§ 32-216. Rules of procedure; meetings; public budget hearings.

Repealed.

(1973 Ed., § 32-1316; May 13, 1977, D.C. Law 1-134, title II, § 206, 24 DCR 406; Apr. 9, 1997, D.C. Law 11-212, § 402, 43 DCR 4962, effective upon the first meeting of the Board under § 32-262.4.)

§ 32-217. Selection, duties and terms of officers.

Repealed.

(1973 Ed., § 32-1317; May 13, 1977, D.C. Law 1-134, title II, § 207, 24 DCR 406; Apr. 9, 1997, D.C. Law 11-212, § 402, 43 DCR 4962, effective upon the first meeting of the Board under § 32-262.4.)

§ 32-218. Suspension or removal.

Repealed.

(1973 Ed., § 32-1318; May 13, 1977, D.C. Law 1-134, title II, § 208, 24 DCR 406; Apr. 9, 1997, D.C. Law 11-212, § 402, 43 DCR 4962, effective upon the first meeting of the Board under § 32-262.4.)

§ 32-219. Compensation.

Repealed.

(1973 Ed., § 32-1319; May 13, 1977, D.C. Law 1-134, title II, § 209, 24 DCR 406; Mar. 3, 1979, D.C. Law 2-139, § 3205(fff), 25 DCR 5740; Aug. 7, 1980, D.C. Law 3-81, § 2(gg), 27 DCR 2632; Apr. 9, 1997, D.C. Law 11-212, § 402, 43 DCR 4962, effective upon the first meeting of the Board under § 32-262.4.)

§ 32-220. Duties and powers.

Repealed.

(1973 Ed., § 32-1320; May 13, 1977, D.C. Law 1-134, title II, § 210, 24 DCR 406; June 30, 1978, D.C. Law 2-89, § 2, 24 DCR 9756; Mar. 15, 1985, D.C. Law 5-166, § 2, 32 DCR 716; July 26, 1986, D.C. Law 6-131, § 2, 33 DCR 3407; Feb. 28, 1987, D.C. Law 6-200, § 2, 34 DCR 521; Mar. 16, 1989, D.C. Law 7-228, § 3(a), 36 DCR 754; Nov. 25, 1993, D.C. Law 10-65, § 301(b), 40 DCR 7351; Apr. 9, 1997, D.C. Law 11-212, § 402, 43 DCR 4962, effective upon the first meeting of the Board under § 32-262.4.)

§ 32-221. Staff members.

Repealed.

(1973 Ed., § 32-1321; May 13, 1977, D.C. Law 1-134, title II, § 211, 24 DCR 406; Mar. 16, 1989, D.C. Law 7-228, § 3(c), 36 DCR 754; Apr. 9, 1997, D.C. Law 11-212, § 402, 43 DCR 4962, effective upon the first meeting of the Board under § 32-262.4.)

§ 32-222. Furnishing assistance by District agencies; release of information;.

Repealed.

(1973 Ed., § 32-1322; May 13, 1977, D.C. Law 1-134, title II, § 212, 24 DCR 406; Apr. 9, 1997, D.C. Law 11-212, § 402, 43 DCR 4962, effective upon the first meeting of the Board under § 32-262.4.)

§ 32-223. Liability of Commissioners.

Repealed.

(1973 Ed., § 32-1323; May 13, 1977, D.C. Law 1-134, title II, § 213, 24 DCR 406; Apr. 9, 1997, D.C. Law 11-212, § 402, 43 DCR 4962, effective upon the first meeting of the Board under § 32-262.4.)

§ 32-224. Public hearing.

Repealed.

(1973 Ed., § 32-1324; May 13, 1977, D.C. Law 1-134, title II, § 214, 24 DCR 406; Apr. 9, 1997, D.C. Law 11-212, § 402, 43 DCR 4962, effective upon the first meeting of the Board under § 32-262.4.)

*Subchapter III. Hospital Personnel.***§ 32-231. Executive Director; appointment and termination; powers and responsibilities.**

Repealed.

(1973 Ed., § 32-1331; May 13, 1977, D.C. Law 1-134, title III, § 301, 24 DCR 406; Mar. 16, 1989, D.C. Law 7-228, § 3(d), 36 DCR 754; Apr. 9, 1997, D.C. Law 11-212, § 402, 43 DCR 4962, effective upon the first meeting of the Board under § 32-262.4.)

Editor's notes. — Sections 32-231 through 32-236 are set forth herein to provide historical information.

§ 32-232. Medical Director; appointment; duties.

Repealed.

(1973 Ed., § 32-1332; May 13, 1977, D.C. Law 1-134, title III, § 302, 24 DCR 406; Apr. 9, 1997, D.C. Law 11-212, § 402, 43 DCR 4962, effective upon the first meeting of the Board under § 32-262.4.)

§ 32-233. Staff.

Repealed.

(1973 Ed., § 32-1333; May 13, 1977, D.C. Law 1-134, title III, § 303, 24 DCR 406; Mar. 16, 1989, D.C. Law 7-228, § 3(e), 36 DCR 754; Apr. 9, 1997, D.C. Law

11-212, § 402, 43 DCR 4962, effective upon the first meeting of the Board under § 32-262.4.)

§ 32-234. Personnel system.

Repealed.

(1973 Ed., § 32-1334; May 13, 1977, D.C. Law 1-134, title III, § 304, 24 DCR 406; Mar. 16, 1989, D.C. Law 7-228, § 3(b), 36 DCR 754; Apr. 9, 1997, D.C. Law 11-212, § 402, 43 DCR 4962, effective upon the first meeting of the Board under § 32-262.4.)

§ 32-235. Transfer of positions and funds.

Repealed.

(1973 Ed., § 32-1335; May 13, 1977, D.C. Law 1-134, title III, § 305, 24 DCR 406; Apr. 9, 1997, D.C. Law 11-212, § 402, 43 DCR 4962, effective upon the first meeting of the Board under § 32-262.4.)

§ 32-236. Discrimination prohibited.

Repealed.

(1973 Ed., § 32-1336; May 13, 1977, D.C. Law 1-134, title III, § 306, 24 DCR 406; Apr. 9, 1997, D.C. Law 11-212, § 402, 43 DCR 4962, effective upon the first meeting of the Board under § 32-262.4.)

Subchapter IV. Hospital Finances.

§ 32-241. Budgets and appropriations; bills for services.

Repealed.

(1973 Ed., § 32-1341; May 13, 1977, D.C. Law 1-134, title IV, § 401, 24 DCR 406; Apr. 9, 1997, D.C. Law 11-212, § 402, 43 DCR 4962, effective upon the first meeting of the Board under § 32-262.4.)

Editor's notes. — Sections 32-241 through 32-243 are set forth herein to provide historical information.

§ 32-242. Establishment of D.C. General Hospital Fund; deposit and transfer of monies; billing receipts; capital debt service; federal provisions not affected.

Repealed.

(1973 Ed., § 32-1342; May 13, 1977, D.C. Law 1-134, title IV, § 402, 24 DCR 406; Nov. 25, 1993, D.C. Law 10-65, § 301(d), 40 DCR 7351; Apr. 9, 1997, D.C. Law 11-212, § 402, 43 DCR 4962, effective upon the first meeting of the Board under § 32-262.4.)

§ 32-243. Audits.

Repealed.

(1973 Ed., § 32-1343; May 13, 1977, D.C. Law 1-134, title IV, § 403, 24 DCR 406; June 30, 1978, D.C. Law 2-89, § 2, 24 DCR 9756; Apr. 9, 1997, D.C. Law 11-212, § 402, 43 DCR 4962, effective upon the first meeting of the Board under § 32-262.4.)

Subchapter V. Miscellaneous Provisions.

§ 32-251. Purchasing.

Repealed.

(1973 Ed., § 32-1351; May 13, 1977, D.C. Law 1-134, title V, § 501, 24 DCR 406; June 30, 1978, D.C. Law 2-89, § 2, 24 DCR 9756; Apr. 9, 1997, D.C. Law 11-212, § 402, 43 DCR 4962, effective upon the first meeting of the Board under § 32-262.4.)

Editor's notes. — Sections 32-251 through 32-257 are set forth herein to provide historical information.

§ 32-252. Annual reports.

Repealed.

(1973 Ed., § 32-1352; May 13, 1977, D.C. Law 1-134, title V, § 502, 24 DCR 406; Apr. 9, 1997, D.C. Law 11-212, § 402, 43 DCR 4962, effective upon the first meeting of the Board under § 32-262.4.)

§ 32-253. Task Force; appointment; study; report and recommendations.

Repealed.

(1973 Ed., § 32-1353; May 13, 1977, D.C. Law 1-134, title V, § 503, 24 DCR 406; Apr. 9, 1997, D.C. Law 11-212, § 402, 43 DCR 4962, effective upon the first meeting of the Board under § 32-262.4.)

§ 32-254. Disclosure of reports.

Repealed.

(1973 Ed., § 32-1354; May 13, 1977, D.C. Law 1-134, title V, § 504, 24 DCR 406; Apr. 9, 1997, D.C. Law 11-212, § 402, 43 DCR 4962, effective upon the first meeting of the Board under § 32-262.4.)

§ 32-255. Confidentiality of medical records and information.

Repealed.

(1973 Ed., § 32-1355; May 13, 1977, D.C. Law 1-134, title V, § 505, 24 DCR 406; July 8, 1988, D.C. Law 7-132, § 2, 35 DCR 4108; Mar. 16, 1989, D.C. Law 7-198, § 2, 36 DCR 1; Apr. 9, 1997, D.C. Law 11-212, § 402, 43 DCR 4962, effective upon the first meeting of the Board under § 32-262.4.)

§ 32-256. Coordination between facilities.

Repealed.

(1973 Ed., § 32-1356; May 13, 1977, D.C. Law 1-134, title V, § 506, 24 DCR 406; Apr. 9, 1997, D.C. Law 11-212, § 402, 43 DCR 4962, effective upon the first meeting of the Board under § 32-262.4.)

§ 32-257. Severability.

Repealed.

(1973 Ed., § 32-1357; May 13, 1977, D.C. Law 1-134, title V, § 507, 24 DCR 406; Apr. 9, 1997, D.C. Law 11-212, § 402, 43 DCR 4962, effective upon the first meeting of the Board under § 32-262.4.)

CHAPTER 2A. DISTRICT OF COLUMBIA HEALTH AND HOSPITALS PUBLIC BENEFIT CORPORATION.

Subchapter II. General Provisions.

Sec.

32-262.3. Board of Directors; appointment.

Sec.

32-262.7. Transfer of functions to the Corporation.

32-262.8. Personnel Administration.

Subchapter I. Declaration of Policy and Legislative Findings.

§ 32-261.1. Council declarations and findings.

Section references. — This section is referred to in § 32-261.1.

Subchapter II. General Provisions.

§ 32-262.3. Board of Directors; appointment.

* * * * *

(d) Repealed.

(e) When a vacancy occurs by reason of expiration of a member's term, the appointing authority, pursuant to subsection (a) of this section, shall submit to the Council the name of a nominee to fill the vacancy not less than 60 days prior to the occurrence of the vacancy. Whenever a vacancy occurs by reason of death, resignation, or otherwise removal, the appointing authority shall submit the name of the nominee within 30 days following the occurrence of the vacancy. With regard to mayor appointments, the Council may approve or disapprove or disapprove the nomination by resolution within 45 days of the

date the nomination is submitted to the Council. The Mayor shall transmit to the Council for a 90-day period of review, excluding days of Council recess, mayoral nominations to the Board. If the Council does not approve the nomination by resolution within the 90-day period, the nomination shall be deemed disapproved.

* * * * *

(_____, 1999, D.C. Law 12- (Act 12-622), § 4(a), 46 DCR 1355.)

Section references.

This section is referred to in § 1-633.7.

Effect of amendments.

D.C. Law 12-(Act 12-622) repealed (d) and in (e), deleted the former last sentence, and added the present last two sentences.

Emergency act amendments.

For temporary amendment of section, see § 4(a) of the Confirmation Emergency Amendment Act of 1999 (D.C. Act 13-25, March 15, 1999, 46 DCR 2971).

Section 6 of D.C. Act 13-25 provides for the application of the act.

Legislative history of Law 12-(D.C. Act 12-622). — Law 12-(D.C. Act 12-622), the “Confirmation Amendment Act of 1998,” was introduced in Council and assigned Bill No. _____, which was referred to the Committee on _____. The Bill was adopted on first and second readings on _____, and _____, respectively. Signed by the Mayor on _____, it was assigned Act No. 12-622 and transmitted to both Houses of Congress for its review. D.C. Law 12-(D.C. Act 12-622) became effective on _____.

§ 32-262.7. Transfer of functions to the Corporation.

(a) As expeditiously as possible but no later than 6 months from the date of the first meeting of the Board held pursuant to § 32-262.4(h):

* * * * *

(4) After Council approval, the Mayor shall transfer to the Corporation’s management and control the functions, assets, property, records, and obligations of the following:

* * * * *

(B) The community health clinics, Bureau of Dental Health Services, Bureau of Maternal and Child Health Services, the Bureau of Laboratories of the Ambulatory Health Care Administration, the Bureau of School Nursing, and in-home medical, nursing care and social services referrals for the chronically ill provided by the Long-Term Care Administration of the Commission of Public Health of the Department of Human Services, established under Reorganization Plan No. 2 of 1979, effective February 21, 1980, except that the transfer of functions, assets, property and obligations pursuant to this section shall not include any state health agency functions or any assets, property, or records that support the state health functions. The Department of Health shall be responsible for all state health agency functions.

(5) The Mayor shall transfer to the Fund established by § 32-262.6 the unexpended balances of appropriations, allocations, and other funds of the following:

* * * * *

(B) The community health clinics, Bureau of Dental Health Services, Bureau of Maternal and Child Health Services, the Bureau of Laboratories of the Ambulatory Health Care Administration, and the Bureau of School Nursing of the Commission of Public Health of the Department of Human Services, established under Reorganization Plan No. 2 of 1979, effective February 21, 1980, except that the transfer of appropriations, allocations, and other funds pursuant to this section shall not include any appropriations, allocations, or funds that support state health agency functions.

* * * * *

(Apr. 20, 1999, D.C. Law 12-264, § 55, 46 DCR 2118; Apr. 27, 1999, D.C. Law 12-265, § 5, 46 DCR 2096.)

Effect of amendments.

D.C. Law 12-264 validated a previously made technical correction.

D.C. Law 12-265 added “except that the transfer of functions, assets, property and obligations pursuant to this section shall not include any state health agency functions or any assets, property, or records that support the state health functions. The Department of Health shall be responsible for all state health agency functions” at the end of (a)(4)(B); and, in (a)(5)(B), substituted “the Bureau of School Nursing” for “in-home medical, nursing care and social services referrals for the chronically ill provided by

the Long-Term Care Administration” and added “except that the transfer of appropriations, allocations, and other funds pursuant to this section shall not include any appropriations, allocations, or funds that support state health agency functions” to the end.

Emergency act amendments.

For temporary amendment of section, see § 301(b) of the Police Officers, Fire Fighters, and Teachers Retirement Benefit Replacement Plan and Fiscal Year 1998 Revised Budget Support Act of 1997 Technical Amendments Emergency Act of 1998 (D.C. Act 12-351, May 20, 1998, 45 DCR 3673), and § 301(b) of the Police Officers, Fire Fighters,

and Teachers Retirement Benefit Replacement Plan and Fiscal Year 1998 Revised Budget Support Act of 1997 Technical Amendments Congressional Review Emergency Act of 1998 (D.C. Act 12-432, August 6, 1998, 45 DCR 5920).

Section 301(c) of D.C. Act 12-351 provides for the application of the act.

Section 301(c) of D.C. Act 12-432 provides for the application of the act.

For temporary amendment of section, see § 4 of the Establishment of Council Contract Review Criteria and Budget Support Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-500, December 2, 1998, — DCR —).

Section 6 of D.C. Act 12-500 provides for the application of the act.

Legislative history of Law 12-264. — Law 12-264, the “Technical Amendments Act of 1998,” was introduced in Council and assigned Bill No. 12-804, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998, respectively. Signed by the Mayor on January 7, 1999, it was assigned Act No. 12-626 and transmitted to both Houses of Congress for its review. D.C. Law 12-264 became effective on April 20, 1999.

Legislative history of Law 12-265. — Law 12-265, the “Establishment of Council Contract Review Criteria, Alley Closing,

Budget Support, and Omnibus Regulatory Reform Amendment Act of 1998,” was introduced in Council and assigned Bill No. 12-144. The Bill was adopted on first and second readings on April 7, 1998, and June 2 1998, respectively. Signed by the Mayor on June 23, 1998, it was assigned Act No. 12-397 and transmitted to both Houses of Congress for its review. D.C. Law 12-265 became effective on April 27, 1999.

Application of Law 12-265. — Section 6 of D.C. Law 12-60 provided that sections 4 and 5 of the act shall apply as of October 1, 1997.

District of Columbia Health and Hospitals Public Benefit Corporation Independent Personnel Regulations Approval Resolution of 1998. — Pursuant to Resolution PR 12-695, deemed approved on June 19, 1998, the Council approved the proposed Independent Personnel Regulation, recommended by the Board of Directors of the PBC and transmitted to Council on March 23, 1998.

District of Columbia Health and Hospitals Public Benefit Corporation Independent Personnel Regulations Approval Resolution of 1998. — Pursuant to Resolution PR 12-696, effective June 19, 1998, the Council approved the Independent Personnel Regulations submitted by the District of Columbia Health and Hospitals Public Benefit Corporation (PBC).

§ 32-262.8. Personnel Administration.

(a) Except as provided by subsections (b) and (c) of this section, no provision of Chapter 6 of Title 1 (“CMPA”), shall apply to employees of the Corporation, except as follows:

* * * * *

(Apr. 9, 1997, D.C. Law 11-212, § 208, 43 DCR 4962.)

Editor’s notes. — The introductory language of (a) is set forth above to correct an internal reference.

CHAPTER 3. CERTIFICATE OF NEED.

Sec.

32-301 to 32-317. [Repealed].

§ 32-301. Purpose.

Repealed.

(Sept. 16, 1980, D.C. Law 3-99, § 2, 27 DCR 3599; Mar. 16, 1993, D.C. Law 9-197, § 22, 39 DCR 9195.)

Editor’s notes. — Sections 32-301 through 32-317 are set forth herein to provide historical information.

§ 32-302. Definitions.

Repealed.

(Sept. 16, 1980, D.C. Law 3-99, § 3, 27 DCR 3599; Sept. 29, 1982, D.C. Law 4-156, § 2(a)-(d), 29 DCR 3612; Feb. 24, 1984, D.C. Law 5-48, § 12(a), 30 DCR 5778; Mar. 14, 1985, D.C. Law 5-159, § 12, 32 DCR 30; Sept. 5, 1985, D.C. Law 6-26, § 3, 32 DCR 3615; Mar. 16, 1993, D.C. Law 9-197, § 22, 39 DCR 9195.)

§ 32-303. When required.

Repealed.

(Sept. 16, 1980, D.C. Law 3-99, § 4, 27 DCR 3599; Sept. 29, 1982, D.C. Law 4-156, § 2(e), 29 DCR 3612; Mar. 16, 1993, D.C. Law 9-197, § 22, 39 DCR 9195.)

§ 32-304. Adoption of procedures and criteria governing review.

Repealed.

(Sept. 16, 1980, D.C. Law 3-99, § 5, 27 DCR 3599; Mar. 16, 1993, D.C. Law 9-197, § 22, 39 DCR 9195.)

§ 32-305. Required findings.

Repealed.

(Sept. 16, 1980, D.C. Law 3-99, § 6, 27 DCR 3599; Mar. 16, 1988, D.C. Law 7-90, § 2, 35 DCR 710; Mar. 16, 1993, D.C. Law 9-197, § 22, 39 DCR 9195.)

§ 32-306. Issuance of emergency certificate.

Repealed.

(Sept. 16, 1980, D.C. Law 3-99, § 7, 27 DCR 3599; Mar. 16, 1993, D.C. Law 9-197, § 22, 39 DCR 9195.)

§ 32-307. Duration, modification, sale or transfer of certificate.

Repealed.

(Sept. 16, 1980, D.C. Law 3-99, § 8, 27 DCR 3599; Mar. 16, 1993, D.C. Law 9-197, § 22, 39 DCR 9195.)

§ 32-308. Reconsideration of decisions.

Repealed.

(Sept. 16, 1980, D.C. Law 3-99, § 9, 27 DCR 3599; Mar. 16, 1993, D.C. Law 9-197, § 22, 39 DCR 9195.)

§ 32-309. Administrative review.

Repealed.

(Sept. 16, 1980, D.C. Law 3-99, § 10, 27 DCR 3599; Mar. 16, 1993, D.C. Law 9-197, § 22, 39 DCR 9195.)

§ 32-310. Judicial review.

Repealed.

(Sept. 16, 1980, D.C. Law 3-99, § 11, 27 DCR 3599; Mar. 16, 1993, D.C. Law 9-197, § 22, 39 DCR 9195.)

§ 32-311. Issuance of certificate as condition precedent.

Repealed.

(Sept. 16, 1980, D.C. Law 3-99, § 12, 27 DCR 3599; Mar. 16, 1993, D.C. Law 9-197, § 22, 39 DCR 9195.)

§ 32-312. Violations.

Repealed.

(Sept. 16, 1980, D.C. Law 3-99, § 13, 27 DCR 3599; Mar. 16, 1993, D.C. Law 9-197, § 22, 39 DCR 9195.)

§ 32-313. Immunity from legal liability.

Repealed.

(Sept. 16, 1980, D.C. Law 3-99, § 14, 27 DCR 3599; Mar. 16, 1993, D.C. Law 9-197, § 22, 39 DCR 9195.)

§ 32-314. Moratorium on applications.

Repealed.

(Sept. 16, 1980, D.C. Law 3-99, § 15, 27 DCR 3599; Mar. 16, 1993, D.C. Law 9-197, § 22, 39 DCR 9195.)

§ 32-315. Annual report.

Repealed.

(Sept. 16, 1980, D.C. Law 3-99, § 16, 27 DCR 3599; Mar. 16, 1993, D.C. Law 9-197, § 22, 39 DCR 9195.)

§ 32-316. Adoption of regulations.

Repealed.

(Sept. 16, 1980, D.C. Law 3-99, § 17, 27 DCR 3599; Mar. 16, 1993, D.C. Law 9-197, § 22, 39 DCR 9195.)

§ 32-317. Severability.

Repealed.

(Sept. 16, 1980, D.C. Law 3-99, § 18, 27 DCR 3599; Mar. 16, 1993, D.C. Law 9-197, § 22, 39 DCR 9195.)

CHAPTER 3A. HEALTH SERVICES PLANNING PROGRAM.

Sec.

32-321 to 32-339. [Repealed].

§ 32-321. Definitions.

Repealed.

(Mar. 16, 1993, D.C. Law 9-197, § 2, 39 DCR 9195; Sept. 26, 1995, D.C. Law 11-52, § 808, 42 DCR 3684.)

Editor's notes. — Sections 32-321 through 32-339 are set forth herein to provide historical information.

§ 32-322. Office of Health Systems Development; establishment and functions.

Repealed.

(Mar. 16, 1993, D.C. Law 9-197, § 3, 39 DCR 9195; Sept. 26, 1995, D.C. Law 11-52, § 808, 42 DCR 3684.)

§ 32-323. Health Advisory Committee; establishment and responsibilities.

Repealed.

(Mar. 16, 1993, D.C. Law 9-197, § 4, 39 DCR 9195; Sept. 26, 1995, D.C. Law 11-52, § 808, 42 DCR 3684.)

§ 32-324. Health Systems Plan; development, publication, updating, and implementation.

Repealed.

(Mar. 16, 1993, D.C. Law 9-197, § 5, 39 DCR 9195; Sept. 26, 1995, D.C. Law 11-52, § 808, 42 DCR 3684.)

§ 32-325. Reporting, analysis and publication of utilization, financial and other health-related data; regulations, reporting periods, format and forms.

Repealed.

(Mar. 16, 1993, D.C. Law 9-197, § 6, 39 DCR 9195; Sept. 26, 1995, D.C. Law 11-52, § 808, 42 DCR 3684.)

§ 32-326. Certificate of need requirements.

Repealed.

(Mar. 16, 1993, D.C. Law 9-197, § 7, 39 DCR 9195; Sept. 26, 1995, D.C. Law 11-52, § 808, 42 DCR 3684.)

§ 32-327. Activities exempt from certificate of need review.

Repealed.

(Mar. 16, 1993, D.C. Law 9-197, § 8, 39 DCR 9195; Sept. 26, 1995, D.C. Law 11-52, § 808, 42 DCR 3684.)

§ 32-328. Adoption of procedures and criteria for review by the OHSD governing application and review.

Repealed.

(Mar. 16, 1993, D.C. Law 9-197, § 9, 39 DCR 9195; Sept. 26, 1995, D.C. Law 11-52, § 808, 42 DCR 3684.)

§ 32-329. Criteria for review and required findings.

Repealed.

(Mar. 16, 1993, D.C. Law 9-197, § 10, 39 DCR 9195; Sept. 26, 1995, D.C. Law 11-52, § 808, 42 DCR 3684.)

§ 32-330. Duration, modification, sale, or transfer of a certificate of need.

Repealed.

(Mar. 16, 1993, D.C. Law 9-197, § 11, 39 DCR 9195; Sept. 26, 1995, D.C. Law 11-52, § 808, 42 DCR 3684.)

§ 32-331. Reconsideration of review decisions.

Repealed.

(Mar. 16, 1993, D.C. Law 9-197, § 12, 39 DCR 9195; Sept. 26, 1995, D.C. Law 11-52, § 808, 42 DCR 3684.)

§ 32-332. Administrative appeal.

Repealed.

(Mar. 16, 1993, D.C. Law 9-197, § 13, 39 DCR 9195; Sept. 26, 1995, D.C. Law 11-52, § 808, 42 DCR 3684.)

§ 32-333. Judicial review of certificate of need decisions.

Repealed.

(Mar. 16, 1993, D.C. Law 9-197, § 14, 39 DCR 9195; Sept. 26, 1995, D.C. Law 11-52, § 808, 42 DCR 3684.)

§ 32-334. Certificate of need mandatory condition precedent.

Repealed.

(Mar. 16, 1993, D.C. Law 9-197, § 15, 39 DCR 9195; Sept. 26, 1995, D.C. Law 11-52, § 808, 42 DCR 3684.)

§ 32-335. Violations and penalties for noncompliance.

Repealed.

(Mar. 16, 1993, D.C. Law 9-197, § 16, 39 DCR 9195; Sept. 26, 1995, D.C. Law 11-52, § 808, 42 DCR 3684.)

§ 32-336. Immunity from civil liability.

Repealed.

(Mar. 16, 1993, D.C. Law 9-197, § 17, 39 DCR 9195; Sept. 26, 1995, D.C. Law 11-52, § 808, 42 DCR 3684.)

§ 32-337. Moratorium on applications.

Repealed.

(Mar. 16, 1993, D.C. Law 9-197, § 18, 39 DCR 9195; Sept. 26, 1995, D.C. Law 11-52, § 808, 42 DCR 3684.)

§ 32-338. Annual report.

Repealed.

(Mar. 16, 1993, D.C. Law 9-197, § 19, 39 DCR 9195; Sept. 26, 1995, D.C. Law 11-52, § 808, 42 DCR 3684.)

§ 32-339. Rules.

Repealed.

(Mar. 16, 1993, D.C. Law 9-197, § 20, 39 DCR 9195; Sept. 26, 1995, D.C. Law 11-52, § 808, 42 DCR 3684.)

CHAPTER 3B. HEALTH SERVICES PLANNING.

Sec.

32-351. Definitions.

§ 32-351. Definitions.

* * * * *

(Apr. 20, 1999, D.C. Law 12-264, § 33, 46 DCR 2118.)

Effect of amendments.

D.C. Law 12-264, in (1), validated a previously made technical correction.

Legislative history of Law 11-191. — Law 11-191, the “Health Services Planning Program Re-establishment Act of 1996,” was introduced in Council and assigned Bill No. 11-086, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on June 4, 1996, and July 3, 1996, respectively. Signed by the Mayor on July 22, 1996, it was assigned Act No. 11-347 and transmitted to both Houses of Congress for its review.

D.C. Law 11-191 became effective on April 9, 1997.

Legislative history of Law 12-264. — Law 12-264, the “Technical Amendments Act of 1998,” was introduced in Council and assigned Bill No. 12-804, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998, respectively. Signed by the Mayor on January 7, 1999, it was assigned Act No. 12-626 and transmitted to both Houses of Congress for its review. D.C. Law 12-264 became effective on April 20, 1999.

§ 32-353. Statewide Health Coordinating Council; establishment and responsibilities.

Section references. — This section is referred to in § 1-633.7.

CHAPTER 4. UNIFORM MANAGEMENT OF INSTITUTIONAL FUNDS.

§ 32-401. Definitions.

Cross references. — As to the prudent investor rule, see § 47-2801(b).

Prudent investor rule. — Section 2(b) of D.C. Law 12-187 provides that “the prudent investor rule is a default rule that may be

expanded, restricted, eliminated, or otherwise altered by provisions of the trust. A trustee is not liable to a beneficiary to the extent that the trustee acted in reasonable reliance on provisions of the trust.”

CHAPTER 5A. HEALTHCARE ENTITY CONVERSION.

Sec.

32-551. Findings.

§ 32-551. Findings.

* * * * *

(Apr. 20, 1999, D.C. Law 12-264, § 34, 46 DCR 2118.)

Effect of amendments. — D.C. Law 12-264, in (4), validated previously made technical corrections.

Legislative history of Law 12-264. — Law 12-264, the “Technical Amendments Act of 1998,” was introduced in Council and assigned Bill No. 12-804, which was referred to the

Committee of the Whole. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998, respectively. Signed by the Mayor on January 7, 1999, it was assigned Act No. 12-626 and transmitted to both Houses of Congress for its review. D.C. Law 12-264 became effective on April 20, 1999.

CHAPTER 5B. GRIEVANCE PROCEDURES FOR HEALTH BENEFITS PLANS.

Subchapter I. Grievance and Appeals Procedure.

Sec.

32-571.1. Definitions.

32-571.2. Medicare not applicable.

32-571.3. Establishment of grievance system.

32-571.4. Grievance process.

32-571.5. Informal internal review.

32-571.6. Formal internal review.

32-571.7. External grievance process.

32-571.8. Certification and general requirements for independent review organizations.

32-571.9. Assessment of insurers.

32-571.10. Reporting requirements.

Subchapter II. Access to Specialists as Primary Care Providers.

Sec.

32-572.1. Specialists as primary care providers.

32-572.2. Standing referrals to specialists.

32-572.3. Direct access to qualified specialists for females’ health services.

Subchapter III. Notification of Health Care Provider Termination; Continuance of Coverage.

32-573.1. When a health care provider leaves a plan.

Subchapter IV. Regulations and Standards.

32-574.1. Regulations and standards; compliance.

*Subchapter I. Grievance and Appeals Procedure.***§ 32-571.1. Definitions.**

For the purposes of this chapter, the term

(1) "Director" means the Director of the District of Columbia Department of Health.

(2) "Emergency medical condition" means a medical condition manifesting itself by acute symptoms of sufficient severity such that the absence of immediate medical attention could reasonably be expected to result in (i) placing the health of the individual in serious jeopardy, (ii) serious impairment to bodily functions, or (iii) serious dysfunction of any bodily organ or part.

(3) "Grievance" means a written request by a member or a member representative for review of a decision of an insurer to deny, reduce, limit, terminate or delay covered health care services to a member.

(4) "Grievance decision" means a determination accepting or denying the basis or requested remedy of the grievance.

(5) "Health benefits plan" means a group or individual insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or similar group arrangement provided by an insurer or subcontracting facility of an insurer for the purpose of providing, paying for, or reimbursing expenses for health related services. "Health benefits plan" does not include disability income or accident only insurance.

(6) "Health care services" means items or services provided under the supervision of a physician or other person trained or licensed to render health care necessary for the prevention, care, diagnosis, or treatment of human disease, pain, injury, deformity or other physical or mental condition including the following: pre-admission, outpatient, inpatient, and post-discharge care; home care; physician's care; nursing care; medical care provided by interns or residents in training; other paramedical care; ambulance service and care; bed and board; drugs; supplies; appliances; equipment; laboratory services; any form of diagnostic imaging or therapeutic radiological services; and services mandated under Chapter 23 of Title 35.

(7) "Independent review organization" means an impartial, certified health entity engaged by the Director to review any adverse grievance decision by an insurer, including an insurer's decision to deny, terminate, or limit covered health care services.

(8) "Insurer" means any individual, partnership, corporation, association, fraternal benefit association, hospital and medical services corporation, health maintenance organization, or other business entity that issues, amends, or renews group or individual health insurance policies or contracts, including health maintenance organization membership contracts in the District.

(9) "Member" means an individual who is enrolled in a health benefits plan.

(10) "Member representative" means any person acting on behalf of a member with the member's consent.

(11) "Urgent medical condition" means a condition which, if not treated within 24 hours, could reasonably be expected to result in (i) placing the health of the individual in serious jeopardy, (ii) serious impairment to bodily

functions, or (iii) serious dysfunction of any bodily organ or part. (Apr. 27, 1999, D.C. Law 12-274, § 101, 46 DCR 1294.)

Legislative history of Law 12-274. — Law 12-274, the “Health Benefits Plan Members Bill of Rights Act of 1998,” was introduced in Council and assigned Bill No. 12-501. The Bill was adopted on first and second readings on December 1, 1998, and December 15, 1998, respec-

tively. Signed by the Mayor on December 29, 1998, it was assigned Act No. 12-607 and transmitted to both Houses of Congress for its review. D.C. Law 12-274 became effective on April 27, 1999.

§ 32-571.2. Medicare not applicable.

(a) The provisions of subchapter I of this chapter shall not apply in cases directly involving coverage determinations or benefit requirements under the federal Medicare program. The provisions of subchapters II and III of this chapter shall not apply in cases directly involving federal Medicare benefits.

(b) Any complaint by a member involving coverage or benefits provided pursuant to the federal Medicare program shall be resolved in accordance with federal laws, regulations, and procedures established for fair hearings and appeals for the Medicare programs and with any appropriate District law. (Apr. 27, 1999, D.C. Law 12-274, § 102, 46 DCR 1294.)

Legislative history of Law 12-274. — See note to § 32-571.1.

§ 32-571.3. Establishment of grievance system.

(a) A member or member representative shall have a right to file a grievance with an insurer for a review of a decision to deny, reduce, limit, terminate or delay covered health care services. An insurer’s health benefits plan shall include a grievance system that provides for the presentation and resolution of grievances brought by members or member representatives.

(b) A grievance system established pursuant to this section shall, at a minimum, incorporate the following components:

(1) The right of a member to file a grievance regarding any aspect of the insurer’s health care services;

(2) A procedure for filing an appeal from a grievance decision;

(3) A standardized method of recording, documenting, and reporting the status of all grievances and appeals, which shall be maintained for at least 3 years;

(4) Availability of a member services representative to assist members with grievances upon request;

(5) The right of a member to designate an outside independent representative to assist the member or member representative in following the grievance procedures upon request;

(6) A specified time for responding to grievances not to exceed 45 business days from receipt of the grievance by the insurer;

(7) An oral and written procedure describing how grievances are processed and resolved;

(8) Procedures for follow-up action including the methods to be used to inform the member of resolution; and

(9) In the case of grievances regarding emergency or urgent medical conditions, procedures that will allow a member or member representative to

immediately request expedited informal review in accordance with § 32-571.5 or expedited formal review in accordance with § 32-571.6.

(c) At the time a member first enrolls with an insurer, the insurer shall provide each member with written notice of the components required in subsection (b)(1) and (2) of this section, as well as the following information:

(1) The telephone numbers and business addresses of the insurer's representatives responsible for grievance resolution;

(2) A statement that describes a member's or member representative's right to contact the Director if dissatisfied with the resolution reached through the insurer's grievance system; and

(3) A statement that describes a Medicaid enrollee's right to appeal to the Office of Fair Hearings at any time, if applicable.

(d) In the case of a reduction or a termination of services that is contrary to the recommendations of the treating physician or advance practice registered nurse, an insurer shall provide a member or member representative with 24 hours prior verbal notification, followed by a written decision as soon as practical.

(e) An insurer shall include in the "evidence of coverage" and "member handbook" issued to members a description of the procedures for filing grievances and appeals.

(f) An insurer shall not take retaliatory action of any sort against a member who files a grievance pursuant to this section or an appeal pursuant to § 32-571.5.

(g) The Director may waive exhaustion of the grievance process required by §§ 32-571.5 and 32-571.6 as a prerequisite for proceeding to the external grievance process in cases of emergency or urgent medical conditions. (Apr. 27, 1999, D.C. Law 12-274, § 103, 46 DCR 1294.)

Legislative history of Law 12-274. — See note to § 32-571.1.

§ 32-571.4. Grievance process.

(a) A member or member representative may appeal any grievance decision resulting in a denial, termination, or other limitation of covered health care services in accordance with the provisions of this section.

(b) At the time a grievance decision is determined, an insurer shall provide to the affected member or member representative a written description of the procedures for filing grievances.

(c) The grievance process shall consist of 3 separate grievance levels: informal internal review by the insurer; formal review by the insurer; and formal external review by an independent review organization.

(d) Nothing in the health benefits plan shall prohibit a member or member representative from discussing or exercising the right to appeal pursuant to this section. (Apr. 27, 1999, D.C. Law 12-274, § 104, 46 DCR 1294.)

Legislative history of Law 12-274. — See note to § 32-571.1.

§ 32-571.5. Informal internal review.

(a) An insurer shall establish and maintain an informal internal grievance process whereby a member or member representative who is dissatisfied with any grievance decision made by an insurer may discuss and appeal the decision with the insurer's medical director or with the physician or health care provider designee who rendered the decision.

(b) An appeal conducted pursuant to this section shall be concluded by the insurer as soon as possible in accordance with the medical exigencies of the case. If an appeal is from a determination regarding urgent or emergency care, the insurer shall conclude the appeal within 24 hours of receiving notification of appeal from the member or member representative. All other concurrent or prospective appeals conducted pursuant to this section shall be concluded by the insurer within 14 business days.

(c) If an informal internal appeal is not resolved to the satisfaction of a member or member representative, the insurer shall provide the member or member representative with a written explanation of the decision and notify the member or member representative of the right to proceed to the next stage of the grievance process.

(d) At a minimum, the written explanation of the decision provided by the insurer pursuant to subsection (c) of this section shall include the following:

(1) The reviewer's understanding of the member's or member representative's grievance;

(2) The reviewer's decision in clear terms;

(3) The contract basis or medical rationale in enough detail for the member or member representative to understand and to respond to the insurer's position; and

(4) All applicable instructions, including the telephone numbers and titles of persons to contact and time frames to appeal the decision to the next stage of appeal. (Apr. 27, 1999, D.C. Law 12-274, § 105, 46 DCR 1294.)

Legislative history of Law 12-274. — See note to § 32-571.1.

§ 32-571.6. Formal internal review.

(a) An insurer shall establish and maintain a formal internal appeals process whereby a member or member representative who is dissatisfied with a decision rendered in the informal appeals process can have the opportunity to pursue an appeal before a reviewer or panel of physicians, or advanced practice registered nurses, or other health care professionals selected by the insurer.

(b)(1) The reviewer or panel selected by the insurer pursuant to subsection (a) of this section shall not have been involved in the grievance decision under review.

(2) For all reviews requiring medical expertise, the reviewer or panel shall include at least one medical reviewer who is trained or certified in the same specialty as the matter at issue.

(3) A medical reviewer shall be a physician, or an advance practice registered nurse or other appropriate health care provider possessing a nonrestricted license to practice or provide care anywhere in the United States

and have no history of disciplinary action or sanctions pending or taken against them by any governmental or professional regulatory body.

(4) A medical reviewer shall be certified by a recognized specialty board in the areas appropriate to review.

(c) All formal internal appeals shall be acknowledged by the insurer, in writing, to the member or member representative filing the appeal within 10 business days of receipt.

(d) All formal internal appeals shall be concluded as soon as possible after receipt by the insurer of all necessary documentation in accordance with the medical exigencies of the case. If the formal internal appeal is from a decision regarding urgent or emergency care, the insurer shall conclude the appeal within 24 hours notification of appeal by the member or member representative. All other appeals conducted pursuant to this section shall be concluded by the insurer within 30 business days; except, that the time may be extended at the request of a member or the member representative.

(e) If an insurer denies a member's or member representative's formal internal appeal, the insurer shall provide the member or member representative with a written explanation of the denial and written notification of his or her right to proceed to an external appeal. This notification shall include specific instructions as to how the member or member representative may arrange for an external appeal and shall also include any forms required to initiate the external appeal.

(f) At a minimum, the written explanation provided by the insurer of the determination pursuant to subsection (e) of this section shall include the following:

(1) The reviewer's understanding of the member's or member representative's complaint;

(2) The reviewer's decision in clear terms;

(3) The contractual basis or medical rationale in enough detail for the member or member representative to understand and to respond to the insurer's position; and

(4) All applicable instructions, including the telephone numbers and titles of persons to contact and time frames to appeal the decision to the next stage of appeal.

(g) In the event that the insurer fails to comply with any of the deadlines for completion of a formal internal appeal, the member or member representative shall be relieved of his or her obligation to complete the formal internal review process and may, at his or her option, proceed directly to the external appeals process required by § 32-571.7. (Apr. 27, 1999, D.C. Law 12-274, § 106, 46 DCR 1294.)

Legislative history of Law 12-274. — See note to § 32-571.1.

§ 32-571.7. External grievance process.

(a) The Director shall establish and maintain an external appeals process whereby a member or member representative who is dissatisfied with a decision rendered in a formal internal appeals process shall have the opportunity to pursue an appeal before an independent review organization.

(b) To initiate an external appeal, a member or member representative shall, within 30 business days from receipt of the written decision of the formal internal appeal panel, file a written request with the Director. The member or member representative shall submit a signed form allowing the insurer to release medical records of the member that are pertinent to the appeal.

(c) Upon receipt of the request for an external appeal, together with the executed release form, the Director shall determine whether:

- (1) The individual was or is a member of the health benefits plan;
- (2) The health care service which is the subject of the appeal reasonably appears to be a service covered by the health benefits plan;
- (3) The member or member representative has fully complied with §§ 32-571.5 and 32-571.6 regarding informal and formal internal appeals; and
- (4) The member or member representative has provided all information required by the independent review organization and the Director to make the preliminary determination, including the appeal form, and a copy of any information provided by the insurer regarding its decision to deny, reduce, or terminate a covered service, and the release form required pursuant to subsection (b) of this section.

(d) Upon completion of the preliminary review, the Director shall notify the member or member representative and insurer in writing as to whether the appeal has been accepted for processing. If the appeal is accepted by the Director, the Director shall assign the appeal to an independent review organization for full review. If the appeal is not accepted by the Director, the Director shall provide a statement of the reasons for the nonacceptance to the member or member representative and the insurer.

(e) The staff of the independent review organization that is assigned to the appeal pursuant to subsection (d) of this section, shall have meaningful prior experience in performing utilization review, peer review, quality of care assessment or assurance, or the hearing of appeals. Any independent review organization, its staff, and its professional and medical reviewers, shall not have any material, professional, familial, or financial affiliation with the insurer that is a party to the appeal.

(f) The Director may waive exhaustion of the appeals process required by §§ 32-571.5 and 32-571.6 as a prerequisite for proceeding to the external appeals process in cases of emergency or urgent care.

(g) The insurer shall provide timely access to all its records relating to the matter under review and to all provisions of the health benefits plan or health insurance coverage, including any evidence of coverage, "member handbook", certificate of insurance or contract and health benefits plan relating to the matter.

(h) Upon acceptance of the appeal for processing, the independent review organization shall conduct a full review to determine whether, as a result of the insurer's decision, the member was deprived of any service covered by the health benefits plan.

(i) The full review of an appeal of a health benefits decision shall be initially conducted by at least 2 physicians licensed to practice medicine in the District of Columbia, Maryland, or Virginia. On an exceptions basis, when necessary based on the medical, surgical, or mental condition under review, the independent review organization may select medical reviewers licensed anywhere in

the United States who have no history of disciplinary action or sanctions pending or taken against them by any governmental or professional regulatory body.

(j) In reaching a determination, the independent review organization shall take into consideration all pertinent medical records, consulting physician reports, and other documents submitted by the parties, any applicable generally accepted practice guidelines developed by the federal government, national or professional medical societies, boards and associations, any applicable clinical protocols or practice guidelines developed by the insurer, and may consult with such other professionals as appropriate and necessary.

(k) The member or member representative and one insurer representative may request to appear in person before the independent review organization. The independent review organization shall conduct the hearing in the District of Columbia. The independent review organization's procedures for conducting a review, when the member or member representative or the insurer has requested to appear in person, shall include the following:

(1) The independent review organization shall schedule and hold a hearing as soon as possible after receiving a request from a member or member representative or from an insurer representative to appear before the independent review organization. The independent review organization shall notify the member or member representative and insurer representative, either orally or in writing, of the hearing date and location. The independent review organization shall not unreasonably deny a request for postponement of the hearing made by the member or member representative or insurer representative.

(2) A member or member representative and an insurer representative shall have the right to the following:

- (A) To attend the independent review organization hearing;
- (B) To present his or her case to the independent review organization;
- (C) To submit supporting material both before and during the hearing;
- (D) To ask questions of any representative of the independent review organization; and
- (E) To be assisted or represented by a person of his or her choice.

(l) When necessary, the independent review organization shall consult with a physician or advance practice registered nurse trained in the same specialty or area of practice as the type of treatment that is the subject of the grievance and appeal. All final recommendations of the independent review organization shall be approved by the medical director of the independent review organization.

(m) The independent review organization shall complete its review and issue its recommended decision as soon as possible in accordance with the medical exigencies of the case. Except as provided for in this subsection, the independent review organization shall complete its review within 30 business days, or 72 hours in the case of an expedited appeal, from the time the Director assigns the appeal to the independent review organization. An insurer shall provide all documentation to the independent review organization within 5 days of receipt of the notice of approval of the appeal by the Director, or within 24 hours of receipt of the notice of approval of the grievance, for an expedited review. If an insurer does not provide the independent review organization all

documentation required by this subsection within the time frames, or obtain the necessary extensions, the independent review organization may decide the appeal without receiving the information. The independent review organization shall extend its review for a reasonable period of time as may be necessary due to circumstances beyond its or the insurer's control, but only when the delay will not result in increased medical risk to the member. In such an event, the independent review organization shall, prior to the conclusion of the initial review period, provide written notice to the member or member representative and to the insurer setting forth the status of its review and the specific reasons for the delay.

(n) If the independent review organization determines that the member was deprived of medically necessary covered services, the independent review organization shall recommend to the Director the appropriate covered health care services the member should receive. The Director shall forward copies of the recommendation to the member or member representative and the insurer.

(o) When necessary, the independent review organization shall refer a case for review to a consultant physician or other health care provider in the same specialty or area of practice who would generally manage the type of treatment that is the subject of the appeal. All final recommendations of the independent review organization shall be approved by the medical director of the independent review organization.

(p) The decision of the independent review organization shall be nonbinding on all parties and shall not affect any other legal causes of action.

(q)(1) This section shall not apply in cases directly involving Medicaid benefits.

(2) Any appeal brought pursuant to this section by a member involving coverage provided pursuant to the Medicaid program shall be resolved in accordance with federal and District of Columbia laws, regulations, and procedures established for fair hearings and appeals for the Medicaid program. (Apr. 27, 1999, D.C. Law 12-274, § 107, 46 DCR 1294.)

Legislative history of Law 12-274. — See note to § 32-571.1.

§ 32-571.8. Certification and general requirements for independent review organizations.

(a) Each independent review organization selected by the Director to review external appeals must be certified every 2 years by the Director.

(b) The Director shall be responsible for developing, applying, and enforcing certification standards for independent review organizations. These standards shall ensure that an independent review organization:

(1) Properly maintains a policy involving the review of the appeal in strict confidence pursuant to rules established by the Director;

(2) Uses only qualified professional and medical reviewers in any review; and

(3) Demonstrates an ability to render decisions in an equitable and timely manner and consistent with this chapter.

(c) An independent review organization may not be a subsidiary of, or in any way owned or controlled by a health benefits plan, insurer, or trade association of health care providers.

(d) The Director shall develop an application form for certifying an independent review organization that contains a description of the organization, including names, biographical sketches of all directors, officers, and executives of the organization.

(e) The independent review organization shall submit to the Director the following information, for purposes of creating a file of public records, upon initial application for certification, and thereafter upon any change to any of this information:

(1) The names of all stockholders and owners of more than 5% of any stock or options, if it is a publicly held organization;

(2) The names of all holders of bonds or notes in excess of \$100,000 if any;

(3) The names of all corporations and organizations that the independent review organization controls or is affiliated with and the nature and extent of any ownership or control, including the affiliated organization's type of business; and

(4) The names of all directors, officers, and executives of the independent organization, as well as a statement regarding any relationships the directors, officers, and executives may have with any health care plan, disability insurer, managed care organization, provider group or board or committee.

(f)(1) The independent review organization shall not have any material professional, familial, or financial conflict of interest with any of the following:

(A) The insurer;

(B) Any officer, director, or management employee of the insurer;

(C) The physician, the physician's medical group, or the independent practice association or the treating provider proposing the service or treatment;

(D) The institution at which the service or treatment would be provided;

(E) The development or manufacture of the principal drug, device, procedure, or other therapy proposed for the member whose treatment is under review.

(2) For the purposes of this subsection, the term "conflict of interest" shall not be interpreted to include a contract under which an academic medical center, or other similar medical research center, provides health services to the insurer's member, except as subject to the requirement of paragraph (1)(D) of this subsection, affiliations which are limited to staff privileges at a health facility; or an independent review organization's participation as a contracting insurer's provider where the independent review organization is affiliated with an academic medical center, or other similar medical research center, that is acting as an independent review organization under this section.

(g) The independent review organization shall have a quality assurance mechanism in place that ensures the timeliness and quality of the reviews, the qualifications and independence of the experts, and the confidentiality of medical records and review materials.

(h) Neither an independent review organization nor an individual working for an external review panel pursuant to this chapter shall be held liable for

any recommendation presented by the independent review organization, except in cases of gross negligence, recklessness, or intentional misconduct.

(i) An insurer, bound by the decision of the independent review entity, shall not be liable for following such decision. A determination by the independent review entity in favor of the insurer shall create a rebuttal presumption in any subsequent action at law that the insurer's coverage determination was appropriate.

(j) The Director shall, from time to time, enter into contracts with as many independent review organizations as the Director deems necessary to conduct the external appeals. The contracts shall set forth all terms which the Director deems necessary to ensure a member's right of appeal, including an assessment of separate costs to the insurer for the independent review organization review.

(k) As part of the contract process set forth in subsection (j) of this section, all independent review organizations shall submit to the Director and shall maintain a current list identifying all insurers, health care facilities, and other health care providers with whom the independent review organization maintains any health related business arrangements. The list shall include a brief description of the nature of any such arrangement.

(l) Upon receipt of any request for an external appeal, the Director shall assign that appeal to one of the approved independent review organizations on a random basis. The Director may reserve the right to deny any assignment to any independent review organization if the Director determines that making an assignment would result in a conflict of interest or would otherwise create an appearance of impropriety.

(m) The terms and conditions of a contract entered into pursuant to subsection (j) of this section shall provide that the reasonable direct costs of the external review process, not including costs of representation of a member, shall be paid by the insurer. (Apr. 27, 1999, D.C. Law 12-274, § 108, 46 DCR 1294.)

Legislative history of Law 12-274. — See note to § 32-571.1.

§ 32-571.9. Assessment of insurers.

The Mayor shall assess all insurers to cover all the costs of administering this chapter. The Mayor shall promulgate regulations to determine the assessment formula. (Apr. 27, 1999, D.C. Law 12-274, § 109, 46 DCR 1294.)

Legislative history of Law 12-274. — See note to § 32-571.1.

§ 32-571.10. Reporting requirements.

(a) Every insurer shall submit to the Director, an annual grievance report, that chronicles all grievance activity during the preceding year. The Director shall develop a system for classifying and categorizing grievances and appeals that all insurers and independent review organizations will use when collecting, recording, and reporting grievance and appeals information. The Director

shall also develop a reporting form for inclusion in the annual grievance report that shall include the following information:

- (1) The name and location of the reporting insurer;
- (2) The reporting period in question;
- (3) The names of the individuals responsible for the operation of the insurer's grievance system;
- (4) The total number of grievances received by the insurer, categorized by cause, insurance status, and disposition;
- (5) The total number of requests for expedited review, categorized by cause, length of time for resolution, and disposition; and
- (6) The total number of requests for external review, categorized by cause, length of time for resolution, and disposition.

(b) The Director shall provide current and aggregate information about each health benefits plan's grievance and appeals activity to the public.

(c) The Director shall develop appropriate annual reporting requirements for independent review organizations.

(d) The Director shall submit an annual report to the Council and the public concerning the status of the grievance and appeal procedures of all health benefits plans in the District, including external appeals. The report shall summarize grievances by category and by health benefits plan and shall include the number of decisions upholding and reversing each grievance and the length of time for complete resolution of the grievance. The Director shall, based upon individual cases and the patterns of grievance and appeals activity, include in the annual report recommendations concerning additional health consumer protections. (Apr. 27, 1999, D.C. Law 12-274, § 110, 46 DCR 1294.)

Legislative history of Law 12-274. — See note to § 32-571.1.

Subchapter II. Access to Specialists as Primary Care Providers.

§ 32-572.1. Specialists as primary care providers.

(a) A health benefits plan shall permit a member with chronic disabling or life threatening conditions to choose a health care specialist as the member's primary care provider. The specialist must be a participant in the health benefits plan and be available to attend to the member.

(b) A specialist chosen by a member pursuant to subsection (a) of this section, shall be permitted to treat the member without the member first receiving a referral from another health care provider. The specialist may authorize referrals, procedures, tests, and medical services subject to the terms of a treatment plan developed by the specialist and approved by the insurer.

(c) A health benefits plan shall permit a member with a chronic disabling or life threatening condition to have direct access to a specialist qualified to treat the condition, subject to initial referral by the member's primary care provider and a treatment plan approved by the member's primary care provider. Such treatment plan shall ensure that the member will receive covered medically necessary procedures, tests, and medical services. (Apr. 27, 1999, D.C. Law 12-274, § 201, 46 DCR 1294.)

Legislative history of Law 12-274. — See note to § 32-571.1.

§ 32-572.2. Standing referrals to specialists.

(a) In general, subject to subsection (b) of this section, a health benefits plan shall permit a member to receive medically necessary or appropriate specialty care for more than one visit without having to obtain the insurer's approval for subsequent visits authorized by a primary care provider.

(b) Subsection (a) of this section shall not apply to specialty care if the insurer informs the member, orally and in writing, of any limitation on the choice of participating providers with respect to such care. (Apr. 27, 1999, D.C. Law 12-274, § 202, 46 DCR 1294.)

Legislative history of Law 12-274. — See note to § 32-571.1.

§ 32-572.3. Direct access to qualified specialists for females' health services.

(a) Every health benefits plan that requires or provides a member with the opportunity to designate a participating primary care provider, shall permit a member who is female to designate as her primary care provider a participating physician or advance practice registered nurse who specializes in obstetric and gynecology.

(b) If a member who is female does not designate a participating physician or advance practice registered nurse as described in subsection (a) of this section as her primary care provider, the health benefits plan may not require authorization or referral by the member's primary care provider, or otherwise, in order for the member to receive routine obstetrical or gynecological services from a participating obstetrician or gynecologist or advance practice registered nurse described in subsection (a) of this section.

(c) For the purposes of this section "routine obstetrical and gynecological services" means the full scope of medically necessary services provided by the obstetrician or gynecologist or advance practice registered nurse described in subsection (a) of this section in the care of, or related to, the female reproductive system and breasts and in performing annual screening and immunizations for disorders and diseases in accordance with nationally recognized medical practice.

(d) Nothing in this section shall prohibit an insurer or Health Maintenance Organization from requiring a participating obstetrician or gynecologist or advance practice registered nurse as described in subsection (a) of this section to provide written notification to the covered female's primary care physician of any visit to such obstetrician or gynecologist or advance practice registered nurse. The notification may include a description of the health care services rendered at the time of the visit. (Apr. 27, 1999, D.C. Law 12-274, § 203, 46 DCR 1294.)

Legislative history of Law 12-274. — See note to § 32-571.1.

*Subchapter III. Notification of Health Care Provider Termination; Continuance of Coverage.***§ 32-573.1. When a health care provider leaves a plan.**

If a contract between an insurer and a health care provider is terminated by either party for any reason other than termination for failure to meet applicable quality standards of care or fraud, and a member is undergoing a course of treatment from the physician at the time of the termination, the insurer shall notify the member on a timely basis of the termination. When medically necessary, persons with serious illness undergoing a course of treatment or who are in the second trimester of a pregnancy shall be permitted to continue to receive medically necessary covered services, with respect to the cause of treatment, by the physician or nurse midwife during a transitional period of at least 90 days from the date of the notice under the same terms and conditions as specified under the provider contract. (Apr. 27, 1999, D.C. Law 12-274, § 301, 46 DCR 1294.)

Legislative history of Law 12-274. — See note to § 32-571.1.

*Subchapter IV. Regulations and Standards.***§ 32-574.1. Regulations and standards; compliance.**

(a) Within 120 days of April 27, 1999, the Director shall promulgate any regulations and standards as may be necessary to carry out the purposes of this chapter.

(b) Health benefits plans and insurers subject to this chapter shall comply with the regulations promulgated pursuant to subsection (a) of this section for contracts issued or renewed on or after 120 days from the promulgation of final regulations pursuant to subsection (a) of this section. (Apr. 27, 1999, D.C. Law 12-274, § 401, 46 DCR 1294.)

Legislative history of Law 12-274. — See note to § 32-571.1.

CHAPTER 6. SAINT ELIZABETH'S HOSPITAL AND DISTRICT OF COLUMBIA MENTAL HEALTH SERVICES.*Subchapter I. Saint Elizabeth's Hospital.*

Sec.

32-601 to 32-614. [Repealed].

Subchapter III. Mental Health Services Client Enterprise Program.

Sec.

32-631. Establishment; expenses; revolving fund; audit.

32-632. Rules.

*Subchapter I. Saint Elizabeth's Hospital.***§ 32-601. Expenses of indigent patients — Payment from District revenues.**

Repealed.

(Mar. 3, 1877, 19 Stat. 347, ch. 105; July 1, 1916, 39 Stat. 309, ch. 209, § 1; 1973 Ed., § 32-401; Nov. 8, 1984, 98 Stat. 3369, Pub. L. 98-621, § 10(u).)

Editor's notes. — Sections 32-601 through 32-614 are set forth herein to provide historical information.

§ 32-602. Same — Payment by Treasury Department.

Repealed.

(Mar. 3, 1879, 20 Stat. 395, ch. 182, § 1; July 1, 1916, 39 Stat. 309, ch. 209, § 1; 1973 Ed., § 32-402; Nov. 8, 1984, 98 Stat. 3369, Pub. L. 98-621, § 10(v).)

§ 32-603. Payments to Superintendent to be credited to appropriations for care of patients.

Repealed.

(Aug. 4, 1947, 61 Stat. 751, ch. 478, § 3; 1973 Ed., § 32-403; Nov. 8, 1984, 98 Stat. 3369, Pub. L. 98-621, § 10(d)(1).)

§ 32-604. Collections or reimbursements of charges to be credited to District.

Repealed.

(Mar. 4, 1913, 37 Stat. 917, ch. 149; July 1, 1916, 39 Stat. 309, ch. 209, § 1; Feb. 22, 1921, 41 Stat. 1144, ch. 70, § 7; June 28, 1944, 58 Stat. 533, ch. 300, § 18; 1973 Ed., § 32-404; Nov. 8, 1984, 98 Stat. 3369, Pub. L. 98-621, § 10(w))

§ 32-605. Admission of indigent insane of District.

Repealed.

(R.S., D.C., § 4844; Mar. 3, 1877, 19 Stat. 347, ch. 105; July 1, 1916, 39 Stat. 309, ch. 209, § 1; 1973 Ed., § 32-405; Nov. 8, 1984, 98 Stat. 3369, Pub. L. 98-621, § 10(a), (u).)

§ 32-606. Private patients.

Repealed.

(R.S., D.C., §§ 4853, 4854; 1973 Ed., § 32-406; Nov. 8, 1984, 98 Stat. 3369, Pub. L. 98-621, § 10(a).)

§ 32-607. Patients of District and federal government.

Repealed.

(Aug. 4, 1947, 61 Stat. 751, ch. 478, § 2; 1973 Ed., § 32-406a; Nov. 8, 1984, 98 Stat. 3369, Pub. L. 98-621, § 10(d)(1).)

§ 32-608. Admission of insane convicts.

Repealed.

(R.S., D.C., § 4852; July 1, 1916, 39 Stat. 309, ch. 209, § 1; 1973 Ed., § 32-407; Nov. 8, 1984, 98 Stat. 3369, Pub. L. 98-621, § 10(a).)

§ 32-609. Gifts to Hospital — Authorization to accept.

Repealed.

(Nov. 7, 1941, 55 Stat. 760, ch. 469, § 1; Reorg. Plan No. 1 (1953), 67 Stat. 631, 18 F.R. 2053, § 5; 1973 Ed., § 32-408; Nov. 8, 1984, 98 Stat. 3369, Pub. L. 98-621, § 10(j).)

§ 32-610. Custody and investment.

Repealed.

(Nov. 7, 1941, 55 Stat. 760, ch. 469, § 2; 1973 Ed., § 32-409; Nov. 8, 1984, 98 Stat. 3369, Pub. L. 98-621, § 10(j).)

§ 32-611. Intangible personal property.

Repealed.

(Nov. 7, 1941, 55 Stat. 760, ch. 469, § 3; 1973 Ed., § 32-410; Nov. 8, 1984, 98 Stat. 3369, Pub. L. 98-621, § 10(j).)

§ 32-612. Real property or tangible personal property.

Repealed.

(Nov. 7, 1941, 55 Stat. 761, ch. 469, § 4; Reorg. Plan No. 1 (1953), 67 Stat. 631, 18 F.R. 2053, § 5; 1973 Ed., § 32-411; Nov. 8, 1984, 98 Stat. 3369, Pub. L. 98-621, § 10(j).)

§ 32-613. Superintendent authorized to prescribe regulations.

Repealed.

(June 22, 1948, 62 Stat. 574, ch. 597, § 4; Reorg. Plan No. 1 (1953), 67 Stat. 631, 18 F.R. 2053, § 5; 1973 Ed., § 32-415; Nov. 8, 1984, 98 Stat. 3369, Pub. L. 98-621, § 10(x).)

§ 32-614. Mayor authorized to prescribe regulations.

Repealed.

(June 22, 1948, 62 Stat. 574, ch. 597, § 5; 1973 Ed., § 32-416; Nov. 8, 1984, 98 Stat. 3369, Pub. L. 98-621, § 10(x).)

*Subchapter III. Mental Health Services Client Enterprise Program.***§ 32-631. Establishment; expenses; revolving fund; audit.**

(a) The Mayor is authorized to establish an enterprise program at St. Elizabeths Hospital to promote the rehabilitation and employment of clients of the Commission on Mental Health Services with the intended purpose of assisting clients of the Commission on Mental Health Services to acquire community work skills in preparation for independent living.

(b) Purchases and sales of merchandise which may be made by clients and the payment of any wages to clients or any other expenses of the program may be paid from funds derived from the day to day operation of the enterprise program but shall not be subject to Chapter 11A of Title 1.

(c) The Mayor, or during a control year as defined in § 47-393, the Mayor or the Chief Financial Officer, is authorized to establish a revolving fund to be used for the collection and disbursement of funds for any enterprise program established pursuant to this subchapter and shall supervise all collections and disbursements from the fund for the purposes set forth in this subchapter.

(d) Any business operations conducted pursuant to this subchapter shall be subject to the oversight of the District of Columbia Auditor pursuant to § 47-117. (Apr. 13, 1999, D.C. Law 12-226, § 2, 46 DCR 500.)

Legislative history of Law 12-226. — Law 12-226, the “Mental Health Services Client Enterprise Establishment Act of 1998,” was introduced in Council and assigned Bill No. 12-593, which was referred to the Committee on Human Services. The Bill was adopted on

first and second readings on November 10, 1998, and December 1, 1998, respectively. Signed by the Mayor on December 11, 1998, it was assigned Act No. 12-547 and transmitted to both Houses of Congress for its review. D.C. Law 12-226 became effective on April 13, 1999.

§ 32-632. Rules.

The Mayor may issue rules to implement the provisions of this subchapter in accordance with subchapter I of Chapter 15 of Title 1. (Apr. 13, 1999, D.C. Law 12-226, § 3, 46 DCR 500.)

Legislative history of Law 12-226. — See note to § 32-631.

CHAPTER 10. PLACEMENT OF CHILDREN IN FAMILY HOMES.

Sec.

32-1002. “Child-placing agency” defined; license required.

§ 32-1002. “Child-placing agency” defined; license required.

(a) Any person, firm, corporation, association, or public agency that receives or accepts a child under 16 years of age and places or offers to place such child for temporary or permanent care in a family home other than that of a relative within the third degree shall be deemed to be maintaining a child-placing agency. No child-placing agency shall be maintained in the District of Columbia without a license issued by the Mayor of the District of Columbia; provided, that notwithstanding any provisions of § 32-1004 such a license shall be issued forthwith to any corporation or association chartered by special act of Congress and having under its charter the purposes or powers of a child-placing agency as herein defined.

(b) Any license issued pursuant to this section shall be issued as a Class A Public Health: Child Health and Welfare endorsement to a master business license under the master business license system as set forth in subchapter I-A of Chapter 28 of Title 47. (Apr. 22, 1944, 58 Stat. 193, ch. 174, § 2; 1973 Ed., § 32-782; Apr. 23, 1980, D.C. Law 3-59, § 2(a), 27 DCR 983; Apr. 20, 1999, D.C. Law 12-261, § 2003(z), 46 DCR 3142.)

Effect of amendments. — D.C. Law 12-261 added (b).

Legislative history of Law 12-261. — Law 12-261, the “Second Omnibus Regulatory Reform Amendment Act of 1998,” was introduced in Council and assigned Bill No. 12-615, which was referred to the Committee of the Whole.

The Bill was adopted on first and second readings on December 1, 1998, and December 15, 1998, respectively. Signed by the Mayor on December 31, 1998, it was assigned Act No. 12-615 and transmitted to both Houses of Congress for its review. D.C. Law 12-261 became effective on April 20, 1999.

§ 32-1007. Parental rights; termination or relinquishment; vesting in agencies or Mayor; exercise in adoption proceedings.

Section references. — This section is referred to in §§ 3-114, 3-115, 3-117, 16-304, and 16-5004.

§ 32-1011. Authority to charge or receive compensation for services; inability to pay adoption costs.

Temporary addition of criminal background investigation requirements. — Sections 2 through 9 of D.C. Law 12-205, require, on a temporary basis, criminal background investigations for individuals seeking to adopt a child and for individuals residing in foster family homes or other homes in which children are placed by court order.

Section 11(b) of D.C. Law 12-205 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For tem-

porary provisions requiring, on an emergency basis, criminal background investigations for individuals residing in foster family homes or other homes in which children are placed by order, see §§ 2-15 of the Criminal Background Investigation for the Protection of Children Emergency Act of 1998 (D.C. Act 12-431, September 4, 1998, 45 DCR 5915), and §§ 2-15 of the Criminal Background Investigation for the Protection of Children Legislative Review Emergency Act of 1998 (D.C. Act 12-503, January 27, 1999, 45 DCR 8134).

CHAPTER 11. INTERSTATE COMPACT ON JUVENILES.

Sec.

32-1102. Authority to enter into and execute Compact.

§ 32-1102. Authority to enter into and execute Compact.

(a) The Mayor of the District of Columbia (hereafter in this title referred to as the "Mayor") is authorized to enter into and execute on behalf of the District of Columbia a Compact with any state or states legally joining therein in the form substantially as follows:

THE INTERSTATE COMPACT ON JUVENILES.

The contracting states solemnly agree:

* * * * *

ARTICLE XV. Severability.

(a) That the provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstances shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

(b) The Mayor may enter into and execute on behalf of the District of Columbia the following additional articles to the Interstate Compact on Juveniles:

* * * * *

(Apr. 20, 1999, D.C. Law 12-264, § 35, 46 DCR 2118.)

Effect of amendments. — D.C. Law 12-264, in Article XV, validated a previously made technical correction.

Legislative history of Law 12-264. — Law 12-264, the "Technical Amendments Act of 1998," was introduced in Council and assigned Bill No. 12-804, which was referred to the

Committee of the Whole. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998, respectively. Signed by the Mayor on January 7, 1999, it was assigned Act No. 12-626 and transmitted to both Houses of Congress for its review. D.C. Law 12-264 became effective on April 20, 1999.

CHAPTER 13. HEALTH-CARE AND COMMUNITY RESIDENCE FACILITY, HOSPICE AND HOME CARE LICENSURE.

Subchapter I. Licensure.

Sec.

32-1301. Definitions.
32-1302. License requirements.
32-1304. Rules.
32-1305. Inspections.
32-1306. Provisional and restricted licenses.
32-1309. Penalties; enforcement.

Subchapter II. Unlicensed Personnel Criminal Background Check.

Sec.

32-1351. Definitions.
32-1352. Criminal background checks.
32-1353. Penalties for unauthorized released of criminal information.
32-1354. Rules.
32-1462. [Repealed].

Subchapter I. Licensure.

Editor's notes. — Because of the enactment of subchapter II of this chapter by D.C. Law 12-238, the preexisting text of Chapter 13, to

include §§ 32-1301 through 32-1309, has been designated as subchapter I of the chapter.

§ 32-1301. Definitions.

(a) For the purposes of this subchapter the term:

* * * * *

(Feb. 24, 1984, D.C. Law 5-48, § 2, 30 DCR 5778; Mar. 14, 1985, D.C. Law 5-154, § 2(a), 32 DCR 7; Sept. 5, 1985, D.C. Law 6-26, § 2(a), 32 DCR 3615; Feb. 28, 1987, D.C. Law 6-215, § 2(a), 34 DCR 893; July 8, 1988, D.C. Law 7-131, § 3, 35 DCR 4106; Mar. 16, 1989, D.C. Law 7-199, § 3, 36 DCR 3.)

Editor's notes. — Because of the enactment of subchapter II of this chapter by D.C. Law 12-238 and the designation of the preexisting

text of Chapter 13 as subchapter I, "subchapter" has been substituted for "act" in the introductory language of (a).

§ 32-1302. License requirements.

* * * * *

(b) This subchapter shall not apply to a facility or agency operated by the federal government or, except in the case of community residence facilities, by and for the adherents of a church or religious denomination that, in accordance with established tenets, recognizes spiritual healing as the sole means of treating illness.

* * * * *

(d) The continued operation of a facility or agency pending action by the Mayor on an application for licensure renewal or initial licensure under subsection (c) of this section shall not be deemed unlawful if a completed application was timely filed but, through no fault of the facility or agency or its governing body, staff, or employees, the Mayor has failed to act on the application before the expiration of the facility's or agency's current license or, under subsection (c) of this section, its authorized period of operation. A facility

or agency operating under this subsection shall comply with all other provisions of this subchapter and rules adopted pursuant to this subchapter.

* * * * *

(g) Any change in the ownership of a facility or agency owned by an individual, partnership, or association, or in the legal or beneficial ownership of 10% or more of the stock of a corporation that owns or operates a facility or agency, shall be subject to written notice of the change being given to the governmental licensing authority at least 30 days prior to the change in ownership. Upon notification, the governmental licensing authority may, at its discretion, require reinspection and relicensure to ensure that the facility or agency will remain in compliance with the provisions of this subchapter, rules adopted pursuant to this subchapter, and all other applicable provisions of law.

(h) Unless sooner terminated or renewed, a license required by this subchapter shall expire one year from the date of issue or the last renewal.

* * * * *

(j) Any license issued pursuant to this section shall be issued as a Class A Public Health: Health Care Facility endorsement or Class A Public Health: Human Services Facility endorsement to a master business license under the master business license system as set forth in subchapter I-A of Chapter 28 of Title 47. (Feb. 24, 1984, D.C. Law 5-48, § 3, 30 DCR 5778; Apr. 20, 1999, D.C. Law 12-261, § 2003(aa)(1), 46 DCR 3142.)

Effect of amendments. — D.C. Law 12-261 added (j).

Legislative history of Law 12-261. — Law 12-261, the “Second Omnibus Regulatory Reform Amendment Act of 1998,” was introduced in Council and assigned Bill No. 12-615, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 1, 1998, and December 15, 1998, respectively. Signed by the Mayor on December 31, 1998, it was assigned Act No.

12-615 and transmitted to both Houses of Congress for its review. D.C. Law 12-261 became effective on April 20, 1999.

Editor’s notes. — Because of the enactment of subchapter II of this chapter by D.C. Law 12-238 and the designation of the preexisting text of Chapter 13 as subchapter I, “subchapter” has been substituted for “chapter” near the beginning of (b), twice in the last sentence of (d) and (g), and in (h).

§ 32-1303. Authority of Mayor.

Delegation of Authority Pursuant to D.C. Law 5-48, the “Health Care and Community Residence License Act of 1983.” —

See Mayor’s Order 98-137, August 20, 1998 (45 DCR 6587).

§ 32-1304. Rules.

(a) The Mayor shall issue rules, consistent with other provisions of this chapter and pursuant to subchapter I of Chapter 15 of Title 1, establishing:

(1) License fees for private facilities and agencies reasonably calculated to reflect a facility’s or agency’s respective share of the cost of administering the provisions of this subchapter and rules adopted pursuant to this subchapter;

(2) Procedures deemed necessary to effectuate the purposes of this subchapter, including, but not limited to, procedures for:

* * * * *

(F) Suspending or revoking the license of a facility or agency that is in violation of any provision of this subchapter, rule adopted pursuant to this subchapter, or other provision of District of Columbia or federal law, or whose governing body, chief executive officer, administrator, or director has made a material misrepresentation of fact to a government official with respect to the facility's or agency's compliance with any provision of this subchapter, rule adopted pursuant to this chapter, or other provision of District of Columbia or federal law; and

* * * * *

(g) Nothing in this section shall be construed to prohibit a facility or agency from supplementing the standards adopted under subsection (a)(3) of this section by establishing internal standards, policies, and procedures that promote safety and quality care, so long as they are reasonable and not inconsistent with this subchapter, rules adopted pursuant to this subchapter, or other District of Columbia law.

* * * * *

(k) Any license issued pursuant to this section shall be issued as a Class A Public Health: Health Care Facility endorsement or a Class A Public Health: Human Services Facility endorsement to a master business license under the master business license system as set forth in subchapter I-A of Chapter 28 of Title 47. (Feb. 24, 1984, D.C. Law 5-48, § 5, 30 DCR 5778; Sept. 5, 1985, D.C. Law 6-26, § 2(b)-(d), 32 DCR 3615; Feb. 28, 1987, D.C. Law 6-215, § 2(b), (c), 34 DCR 893; Oct. 1, 1992, D.C. Law 9-168, § 2(a), (b), 39 DCR 5822; Apr. 20, 1999, D.C. Law 12-261, § 2003(aa)(2), 46 DCR 3142.)

Effect of amendments. — D.C. Law 12-261 added (k).

Legislative history of Law 12-261. — See note to § 32-1302.

Editor's notes. — Because of the enactment of subchapter II of this chapter by D.C. Law 12-238 and the designation of the preexisting text of Chapter 13 as subchapter I, "subchapter" has been substituted for "chapter" at the end of (a)(1), in the introductory language of (a)(2) and in three places in (a)(2)(F), and twice in (g).

Contract violating regulations void as against policy. — A contract in which the

plaintiff designated the defendant to be residence manager of a mental health group home facility even though the defendant lacked the qualification to occupy that position was void as against public policy for two reasons: (1) the plaintiff violated municipal regulations by designating the defendant as the residence director; and (2) the manner devised by the plaintiff for the defendant to pay the plaintiff for her interest in the group home jeopardized the welfare of the residents. *Christian v. Brunson*, 126 WLR 469 (Super. Ct. 1998).

§ 32-1305. Inspections.

(a) To ensure that each new facility and agency will be in compliance with the provisions of this subchapter, rules adopted pursuant to this subchapter, and all other applicable laws and rules, the Mayor shall conduct an on-site inspection prior to a facility's or agency's initial licensure. Instead of issuing a full-year license to a new facility or agency, the Mayor may issue a provisional license under § 32-1306 pending satisfactory completion of additional, follow-up inspections.

(b) After initial licensure the Mayor shall conduct an on-site inspection as a precondition to licensure renewal, except that the Mayor may accept accreditation by a private accrediting body, federal certification for participation in a health-insurance or medical assistance program, or federal qualification of a health maintenance organization as evidence of, and in lieu of inspecting for, compliance with any or all of the provisions of this subchapter and rules adopted pursuant to this subchapter that incorporate or are substantially similar to applicable standards or conditions of participation established by that body or the federal government. Acceptance of private accreditation by the Mayor shall be contingent on the facility's or agency's:

* * * * *

(c) An authorized government official may enter the premises of a facility or agency during operating hours for the purpose of conducting an announced or unannounced inspection to check for compliance with any provision of this subchapter, rule adopted pursuant to this subchapter, or other provision of District of Columbia law. In conducting an inspection, the official shall make every effort not to disrupt the normal operations of the facility or agency and its staff.

* * * * *

(Feb. 24, 1984, D.C. Law 5-48, § 6, 30 DCR 5778; Sept. 5, 1985, D.C. Law 6-26, § 2(e), (f), 32 DCR 3615.)

Editor's notes. — Because of the enactment of subchapter II of this chapter by D.C. Law 12-238 and the designation of the preexisting

text of Chapter 13 as subchapter I, "subchapter" has been substituted for "act" twice in the first sentence of (a)-(c).

§ 32-1306. Provisional and restricted licenses.

* * * * *

(b) As provided in § 32-1305(a), provisional licenses may be issued to new facilities and agencies in order to afford the Mayor sufficient time and evidence to evaluate whether a new facility or agency is capable of complying with the provisions of this subchapter, rules adopted pursuant to this subchapter, and other applicable provisions of law.

* * * * *

(d) Any provisional license issued pursuant to this section shall be issued as a provisional Class A Public Health: Health Care Facility endorsement or a provisional Class A Public Health: Human Services facility endorsement to a master business license under the master business license system as set forth in subchapter I-A of Chapter 28 of Title 47. (Feb. 24, 1984, D.C. Law 5-48, § 7, 30 DCR 5778; Apr. 20, 1999, D.C. Law 12-261, § 2003(aa)(3), 46 DCR 3142.)

Effect of amendments. — D.C. Law 12-261 added (d).

Legislative history of Law 12-261. — See note to § 32-1302.

Editor's notes. — Because of the enactment

of subchapter II of this chapter by D.C. Law 12-238 and the designation of the preexisting text of Chapter 13 as subchapter I, "subchapter" has been substituted for "act" twice near the end of (b).

§ 32-1309. Penalties; enforcement.

(a) Any executive officer, administrator, director, or member of the governing body of a facility or agency who willfully and knowingly participates in the unlawful operation of that facility or agency in the District of Columbia, and any person who intentionally impedes a District of Columbia official or employee in the performance of his or her authorized duties under this subchapter or any rule issued pursuant to this subchapter, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not exceeding \$1,000 per day of violation, imprisonment for not more than 90 days, or both. Prosecution shall be in the Superior Court of the District of Columbia by information signed by the Corporation Counsel or one of his or her assistants.

(b) Notwithstanding the availability of any other remedy, the Corporation Counsel or one of his or her assistants may maintain, in the name of the District of Columbia, an action in the Superior Court of the District of Columbia to enjoin any person, agency, corporation, or other entity from operating a facility or agency in violation of the terms of its license, provisions of this subchapter, or any rule issued pursuant to this subchapter.

(c) Notwithstanding the availability of any other remedy, an individual who is aggrieved by a violation of any provision of this subchapter or rule issued pursuant to this subchapter may maintain an action in the Superior Court of the District of Columbia to enjoin the continuation of that violation or the commission of any future violation.

* * * * *

(e)(1) Civil fines, penalties, and related costs may be imposed against a facility or agency, whether public or private, for the violation of any provision of this subchapter, rule issued pursuant to this subchapter (including residents' rights established pursuant to § 32-1304(a)(4)), or other District of Columbia or locally enforceable federal law. Except as provided in paragraphs (2) through (4) of this subsection, procedures for adjudication and enforcement and applicable fines, penalties, and costs shall be those established by or pursuant to subchapters I through III of Chapter 27 of Title 6. Governmental immunity shall not be a defense to any civil fine, penalty, or cost imposed.

* * * * *

(Feb. 24, 1984, D.C. Law 5-48, § 10, 30 DCR 5778; Apr. 18, 1986, D.C. Law 6-108, § 502, 33 DCR 1510; Feb. 28, 1987, D.C. Law 6-215, § 2(d), 34 DCR 893.)

Editor's notes. — Because of the enactment of subchapter II of this chapter by D.C. Law 12-238 and the designation of the preexisting text of Chapter 13 as subchapter I, "subchapter" has been substituted for "act" twice in the first sentence of (a) and for "chapter" twice near the end of (b), in (c) and twice in (e)(1).

Contract violating regulations void as against public policy. — A contract in which the plaintiff designated the defendant to be residence manager of a mental health group

home facility even though the defendant lacked the qualification to occupy that position was void as against public policy for two reasons: (1) the plaintiff violated municipal regulations by designating the defendant as the residence director; and (2) the manner devised by the plaintiff for the defendant to pay the plaintiff for her interest in the group home jeopardized the welfare of the residents. *Christian v. Brunson*, 126 WLR 469 (Super. Ct. 1998).

Subchapter II. Unlicensed Personnel Criminal Background Check.

§ 32-1351. Definitions.

(1) "Facility" means any entity required to be licensed pursuant to subchapter I of this chapter and any entity furnishing Medicaid services under a provider agreement with the District of Columbia in accordance with regulations promulgated under title XIX of the Social Security Act, approved July 30, 1965 (Pub. L. 89-97; 42 U.S.C. § 1396 et seq.).

(2) "Licensed professional" means a person employed by a facility who is licensed by a professional board or commission. "Licensed professional" includes a person who functions in a complementary or assistant role to licensed nurses in providing direct patient care or carrying out common nursing tasks, such as a nurses aide, orderly, assistant technician, attendant, home-health aide, medication aide, geriatric aide, or other health aide; housekeeping staff; maintenance staff; administrative staff, and compensated contractors.

(3) "Medicaid services" means nursing facility services, home health-care services, inpatient hospital services and nursing facilities for individuals 65 years of age or older in an institution for mental disease, services in an intermediate care facility for the mentally retarded, home and community care for functionally disabled elderly individuals, and community supported living arrangement services as defined in title XIX of the Social Security Act, approved July 30, 1965 (Pub. L. 89-97; 42 U.S.C. § 1396 et seq.). (Apr. 20, 1999, D.C. Law 12-238, § 2, 46 DCR 881.)

Temporary amendment of section. — Section 3(a) of D.C. Law 12-277 amended (2) to read as follows:

"For purposes of this chapter, the term:

"(2) 'Licensed professional' means a person employed by a facility who is licensed by a professional board or commission. "Licensed professional" does not include a person who functions in a complementary or assistant role to licensed nurses in providing direct patient care or carrying out common nursing tasks, such as a nurses aide, orderly, assistant technician, attendant, home-health aide, medication aide, geriatric aide, or other health aide; housekeeping staff; maintenance staff; administrative staff, and compensated contractors."

Section 6(b) of D.C. Law 12-277 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 3(a) of the TANF-related Medicaid Managed Care Program Technical Clarification Emergency

Amendment Act of 1998 (D.C. Act 12-605, January 20, 1999, 46 DCR 1287).

Legislative history of Law 12-238. — Law 12-238, the "Health-Care Facility Unlicensed Personnel Criminal Background Check Act of 1998," was introduced in Council and assigned Bill No. 12-628, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998, respectively. Signed by the Mayor on December 22, 1998, it was assigned Act No. 12-567 and transmitted to both Houses of Congress for its review. D.C. Law 12-238 became effective on April 20, 1999.

Legislative history of Law 12-277. — Law 12-277, the "TANF-related Medicaid Managed Care Temporary Amendment Act of 1999," was introduced in Council and assigned Bill No. 12-900. The Bill was adopted on first and second readings on December 15, 1998, and January 5, 1999, respectively. Signed by the Mayor on January 27, 1999, it was assigned Act No. 12-629 and transmitted to both Houses of Congress for its review. D.C. Law 12-277 became effective on April 27, 1999.

§ 32-1352. Criminal background checks.

(a) The requirements of this section shall not apply to persons licensed under Chapter 33 of Title 2, or to a person who volunteers services to a facility

and works under the direct supervision of a person licensed pursuant to Chapter 33 of Title 2.

(b) No facility shall offer to employ or contract with any person who is not a licensed professional until a criminal background check has been conducted for that person. Every facility shall inform each applicant for employment or a prospective contract worker that the facility is required to conduct a criminal background check before making an offer of employment to, or contracting with, a health-care aide who is not a licensed professional.

(c) All criminal records received by a facility for the purposes of employing a person who is not a licensed professional pursuant to this subchapter shall be kept confidential and shall be used solely by the facility. The criminal records shall not be released or otherwise disclosed to any person except to:

- (1) The Mayor or the Mayor's designee during an official inspection or investigation of the facility;
- (2) The person whose background is being investigated;
- (3) Comply with an order of a court; or
- (4) Any person with the written consent of the person being investigated.

(d) All criminal records received by a facility shall be destroyed after one year from the end of employment of the person to whom the records relate.

(e) Except as provided in subsection (f) of this subsection, no facility shall employ or contract with any person who is not a licensed professional if that person has been convicted in the District of Columbia or in any other state or territory of the United States of any of the following offenses or their equivalent in another state or territory:

- (1) Murder, attempted murder, or manslaughter;
- (2) Arson;
- (3) Assault, battery, assault and battery, assault with a dangerous weapon, mayhem or threats to do bodily harm;
- (4) Burglary;
- (5) Robbery;
- (6) Kidnapping;
- (7) Theft, fraud, forgery, extortion or blackmail;
- (8) Illegal use or possession of a firearm;
- (9) Trespass or injury to property;
- (10) Rape, sexual assault, sexual battery, or sexual abuse;
- (11) Child abuse or cruelty to children; or
- (12) Unlawful distribution, possession, or possession with intent to distribute, a controlled substance.

(f) The Mayor may, by rulemaking, provide that a person who is not a licensed professional who seeks employment with a facility, having been convicted of certain crimes or placed on the Nurse Aide Abuse Registry, may be employed in a health-care facility after a specified period of time during which the person has not been convicted of any crime or committed any other prohibited behavior.

(g) Except as provided in subsection (f) of this section, no facility shall employ or contract with any person who is not a licensed professional if that person's name appears on the Nurse Aide Abuse Registry maintained pursuant to regulations promulgated by the Mayor.

(h) At the request of a facility, accompanied by the payment of a fee as determined by the Mayor, the Mayor or the Mayor's designee, or any other

authorized entity shall conduct a criminal background check of any person who is not a licensed professional seeking employment with, or employed by, the facility or an entity contracting with the facility.

(i) Except as provided in subsection (a) of this section, a facility may also opt to conduct a criminal background check on any employee or volunteer who provides services at the facility. (Apr. 20, 1999, D.C. Law 12-238, § 3, 46 DCR 881.)

Emergency act amendments. — For temporary amendment of section, see § 3(b) of the TANF-related Medicaid Managed Care Program Technical Clarification Emergency Amendment Act of 1998 (D.C. Act 12-605, January 20, 1999, 46 DCR 1287).

Legislative history of Law 12-238. — See note to § 32-1351.

References in text. — The “District of Columbia Health Occupations Revision Act of 1985,” referred to in (a), is D.C. Law 6-99.

§ 32-1353. Penalties for unauthorized released of criminal information.

(a) Any person releasing or disclosing any information in violation of § 32-1352(c) shall be guilty of a misdemeanor, and shall be punishable by the payment of a fine not greater than \$300, a term of imprisonment not greater than 30 days, or both.

(b) Civil fines, penalties, and fees may be imposed as sanctions for any violation of this subchapter or the rules issued pursuant to this subchapter, pursuant to Chapter 27 of Title 6.

(c) No facility shall be subject to civil liability that in good faith relies on a criminal background check to terminate, or to refuse to offer employment to, any individual. (Apr. 20, 1999, D.C. Law 12-238, § 4, 46 DCR 881.)

Legislative history of Law 12-238. — See note to § 32-1351.

§ 32-1354. Rules.

The Mayor may issue rules to implement this subchapter, including procedures for additional enforcement actions for violation of this subchapter and the setting of fees in accordance with the provisions of subchapter I of Chapter 15 of Title 1. (Apr. 20, 1999, D.C. Law 12-238, § 5, 46 DCR 881.)

Legislative history of Law 12-238. — See note to § 32-1351.

CHAPTER 14. NURSING HOMES AND COMMUNITY RESIDENCE FACILITIES PROTECTIONS.

Subchapter V. Miscellaneous.

§ 32-1462. Privatization contracts, leases, provider agreements, and procedures requirements.

Repealed.

(Apr. 18, 1986, D.C. Law 6-108, § 501a, as added Mar. 19, 1994, D.C. Law 10-79, § 3, 40 DCR 8696; Jan. 26, 1996, D.C. Law 11-78, § 702, 42 DCR 6181; Mar. 5, 1996, D.C. Law 11-98, § 502, 43 DCR 5.)

Editor's notes. — This section is set forth above to provide historical information.

CHAPTER 15. CLINICAL LABORATORY.

Sec.

32-1502. License requirements for clinical laboratories.

Sec.

32-1505. License requirements for physician office laboratories.

§ 32-1501. Definitions.

Section references. — This section is referred to in § 47-2853.4.

§ 32-1502. License requirements for clinical laboratories.

* * * * *

(j) Any license issued pursuant to this section shall be issued as a Class A Public Health: Laboratory endorsement to a master business license under the master business license system as set forth in subchapter I-A of Chapter 28 of Title 47. (Mar. 16, 1989, D.C. Law 7-182, § 3, 35 DCR 7718; Apr. 20, 1999, D.C. Law 12-261, § 2003(bb)(1), 46 DCR 3142.)

Effect of amendments. — D.C. Law 12-261 added (j).

Legislative history of Law 12-261. — Law 12-261, the “Second Omnibus Regulatory Reform Amendment Act of 1998,” was introduced in Council and assigned Bill No. 12-615, which was referred to the Committee of the Whole.

The Bill was adopted on first and second readings on December 1, 1998, and December 15, 1998, respectively. Signed by the Mayor on December 31, 1998, it was assigned Act No. 12-615 and transmitted to both Houses of Congress for its review. D.C. Law 12-261 became effective on April 20, 1999.

§ 32-1505. License requirements for physician office laboratories.

* * * * *

(m) Any license issued pursuant to this section shall be issued as a Class A Public Health: Laboratory endorsement to a master business license under the master business license system as set forth in subchapter I-A of Chapter 28 of Title 47. (Mar. 16, 1989, D.C. Law 7-182, § 6, 35 DCR 7718; Apr. 20, 1999, D.C. Law 12-261, § 2003(bb)(2), 46 DCR 3142.)

Effect of amendments. — D.C. Law 12-261 added (m).

Legislative history of Law 12-261. — See note to § 32-1502.

CHAPTER 16. SUBSTANCE ABUSE TREATMENT AND PREVENTION.

Sec.

32-1604. Certification requirements.

§ 32-1601. Definitions.

Delegation of Authority Pursuant to D.C. Law 8-80, the “District of Columbia Substance Abuse Treatment and Preven-

tion Act of 1989.”— See Mayor’s Order 98-87, May 29, 1998 (45 DCR 3981).

§ 32-1604. Certification requirements.

* * * * *

(g) Any certification issued pursuant to this section shall be issued as a Class A Public Health: Health Care Facility endorsement to a master business license under the master business license system as set forth in subchapter I-A of Chapter 28 of Title 47. (Mar. 15, 1990, D.C. Law 8-80, § 5, 36 DCR 8469; Apr. 20, 1999, D.C. Law 12-261, § 2003(cc), 46 DCR 3142.)

Effect of amendments.— D.C. Law 12-261 added (g).

Legislative history of Law 12-261.— Law 12-261, the “Second Omnibus Regulatory Reform Amendment Act of 1998,” was introduced in Council and assigned Bill No. 12-615, which was referred to the Committee of the Whole.

The Bill was adopted on first and second readings on December 1, 1998, and December 15, 1998, respectively. Signed by the Mayor on December 31, 1998, it was assigned Act No. 12-615 and transmitted to both Houses of Congress for its review. D.C. Law 12-261 became effective on April 20, 1999.

TITLE 33. FOOD AND DRUGS.

CHAPTER 3. MILK, CREAM, AND ICE CREAM.

Sec.

33-303. Permit required; renewal; application.

§ 33-303. Permit required; renewal; application.

(a) No person shall keep or maintain within the District a dairy farm, milk plant, or frozen dessert plant producing, as the case may be, milk, cream, milk products, or frozen desserts for sale in the District, or bring or send into the District for sale any milk, cream, milk product, or frozen dessert, without a permit so to do from the Mayor, and then only in accordance with the terms of such permit. Such permit shall be valid only for the calendar year in which it is issued, and shall be renewable annually on or before the 1st day of January of each calendar year thereafter. Application for such permit shall be in writing upon a form prescribed by the Mayor.

(b) Any permit issued pursuant to this section shall be issued as a Class A Public Health: Food Establishment Wholesale endorsement to a master business license under the master business license system as set forth in subchapter I-A of Chapter 28 of Title 47. (Feb. 27, 1925, 43 Stat. 1004, ch. 358, § 3; Aug. 1, 1950, 64 Stat. 393, ch. 513, § 1; Jan. 5, 1971, 84 Stat. 1937, Pub. L. 91-650, title VI, § 601(a); 1973 Ed., § 33-303; Apr. 20, 1999, D.C. Law 12-261, § 2003(dd), 46 DCR 3142.)

Effect of amendments. — D.C. Law 12-261 added (b).

Legislative history of Law 12-261. — Law 12-261, the “Second Omnibus Regulatory Reform Amendment Act of 1998,” was introduced in Council and assigned Bill No. 12-615, which was referred to the Committee of the Whole.

The Bill was adopted on first and second readings on December 1, 1998, and December 15, 1998, respectively. Signed by the Mayor on December 31, 1998, it was assigned Act No. 12-615 and transmitted to both Houses of Congress for its review. D.C. Law 12-261 became effective on April 20, 1999.

CHAPTER 5. CONTROLLED SUBSTANCES.

Subchapter II. Standards and Schedules.

Sec.

33-511. Administration.

Subchapter III. Regulation of Manufacture, Distribution, and Dispensing.

33-532. Registration — Required; renewal; exceptions; waiver; inspection.

33-533. Same — Public interest; limitations.

33-534. Same — Suspension; revocation; forfeiture of substances.

Subchapter IV. Offenses and Penalties.

33-542. Prohibited acts B; penalties.

33-547.1. Drug free zones.

Subchapter V. Enforcement and Administrative Provisions.

Sec.

33-552. Forfeitures.

33-555. Administrative inspections.

Subchapter VI. Miscellaneous.

33-565. Search warrants; issuance, execution and return; property inventory; filing of proceedings; interference with service.

Subchapter VII. Drug Interdiction and Demand Reduction Fund.

33-573. [Repealed].

§ 33-501. Definitions.

Section references. — This section is referred to in §§ 3-603, 22-2713, 23-1321, 24-434, 25-127.1, 33-601, 45-2559.1, 45-3301, and 47-2853.17.

Subchapter II. Standards and Schedules.

§ 33-511. Administration.

* * * * *

(b) After considering the factors enumerated in subsection (a) of this section and after complying with subchapter I of Chapter 15 of Title 1, the Mayor shall make findings with respect to the factors and issue a rule either controlling the substance if the Mayor finds that the substance has a potential for abuse or deleting the substance if the Mayor finds that the substance does not have a potential for abuse.

* * * * *

(July 24, 1998, D.C. Law 12-136, § 2(a), 45 DCR 2942.)

Effect of amendments. — D.C. Law 12-136, in (b), deleted (2), (3), (4), and (5), and deleted “proposed” preceding “rule” in the paragraph formerly designated as (1).

Legislative history of Law 12-136. — Law 12-136, the “Uniform Controlled Substances Amendment Act of 1998,” was introduced in Council and assigned Bill No. 12-213, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on March 3, 1998, and April 7, 1998,

respectively. Signed by the Mayor on April 20, 1998, it was assigned Act No. 12-337 and transmitted to both Houses of Congress for its review. D.C. Law 12-136 became effective on July 24, 1998.

Delegation of Authority to implement D.C. Law 4-29, the “District of Columbia Uniformed Controlled Substances Act of 1981.” — See Mayor’s Order 98-49, April 15, 1998 (45 DCR 2694).

Subchapter III. Regulation of Manufacture, Distribution, and Dispensing.

§ 33-531. Rules and regulations; fees.

Delegation of Authority to implement D.C. Law 4-29, the “District of Columbia Uniformed Controlled Substances Act of

1981.” — See Mayor’s Order 98-49, April 15, 1998 (45 DCR 2694).

§ 33-532. Registration — Required; renewal; exceptions; waiver; inspection.

* * * * *

(b) Persons registered with the Mayor under this chapter to manufacture, distribute, dispense, or conduct research with controlled substances may possess, manufacture, distribute, dispense, or conduct research with those substances to the extent authorized by their registration and in conformity with the other provisions of this subchapter. Any person registered under this chapter whose authority to possess, distribute, dispense, or conduct research with controlled substances is limited or otherwise restricted by any federal,

state, or District of Columbia law, shall use such registration only to the extent authorized by said federal, state, or District of Columbia law unless otherwise specified.

(c) The following persons need not register and may lawfully possess controlled substances under this chapter:

* * * * *

(4) A designated civilian employee of the Metropolitan Police Department, or a law-enforcement official or agent of the District of Columbia or the United States if he or she is on duty and is acting in the performance of officially authorized functions.

* * * * *

(July 24, 1998, D.C. Law 12-136, § 2(b), 45 DCR 2942; _____, 1999, D.C. Law 12- (Act 12-613), § 10(a), 46 DCR 1328.)

Effect of amendments. — D.C. Law 12-136, in (b), added the last sentence.

D.C. Law 12- (D.C. Act 12-613) inserted “designated civilian employee of the Metropolitan Police Department, or a” in (c)(4).

Temporary amendment of section. — Section 10(a) of D.C. Law 12-(Act 12-492) inserted “designated civilian employee of the Metropolitan Police Department, or a” in (c)(4).

Section 13(b) of D.C. Law 12-(Act 12-492) provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 10(a) of the Metropolitan Police Department Civilianization and Street Solicitation for Prostitution Emergency Amendment Act of 1998 (D.C. Act 12-428, August 6, 1998, 45 DCR 45 5884), § 10(a) of the Metropolitan Police Department Civilianization Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-506, November 10, 1998, 45 DCR 45 8139), and § 10(a) of the Metropolitan Police Department Civilianization Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-13, February 8, 1999, 46 DCR 2333).

Section 13 of D.C. Act 12-506 provides for the retroactive application of the act.

Section 13 of D.C. Act 13-13 provides for the retroactive application of the act.

Legislative history of Law 12-(D.C. Act 12-492). — Law 12-(D.C. Act 12-492), the “Metropolitan Police Department Civilianization Temporary Amendment Act of 1998,” was introduced in Council and assigned Bill No.

_____, which was referred to the Committee on _____. The Bill was adopted on first and second readings on _____, and _____, respectively. Signed by the Mayor on _____, it was assigned Act No. 12-492 and transmitted to both Houses of Congress for its review. D.C. Law 12-(D.C. Act 12-492) became effective on _____.

Legislative history of Law 12-(D.C. Act 12-613). — Law 12-(D.C. Act 12-613), the “Metropolitan Police Department Civilianization Amendment Act of 1998,” was introduced in Council and assigned Bill No. _____, which was referred to the Committee on _____. The Bill was adopted on first and second readings on _____, and _____, respectively. Signed by the Mayor on _____, it was assigned Act No. 12-613 and transmitted to both Houses of Congress for its review. D.C. Law 12- (D.C. Act 12-613) became effective on _____.

Legislative history of Law 12-136. — Law 12-136, the “Uniform Controlled Substances Amendment Act of 1998,” was introduced in Council and assigned Bill No. 12-213, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on March 3, 1998, and April 7, 1998, respectively. Signed by the Mayor on April 20, 1998, it was assigned Act No. 12-337 and transmitted to both Houses of Congress for its review. D.C. Law 12-136 became effective on July 24, 1998.

§ 33-533. Same — Public interest; limitations.

* * * * *

(e) Any registration issued pursuant to this section shall be issued as a Class A Public Health: Pharmacy and Pharmaceuticals endorsement to a master business license under the master business license system as set forth in subchapter I-A of Chapter 28 of Title 47. (Aug. 5, 1981, D.C. Law 4-29, § 303, 28 DCR 3081; Apr. 20, 1999, D.C. Law 12-261, § 2003(ee), 46 DCR 3142.)

Effect of amendments. — D.C. Law 12-261 added (e).

Legislative history of Law 12-261. — Law 12-261, the “Second Omnibus Regulatory Reform Amendment Act of 1998,” was introduced in Council and assigned Bill No. 12-615, which was referred to the Committee of the Whole.

The Bill was adopted on first and second readings on December 1, 1998, and December 15, 1998, respectively. Signed by the Mayor on December 31, 1998, it was assigned Act No. 12-615 and transmitted to both Houses of Congress for its review. D.C. Law 12-261 became effective on April 20, 1999.

§ 33-534. Same — Suspension; revocation; forfeiture of substances.

(a) A registration issued under § 33-533 to manufacture, distribute, or dispense a controlled substance may be suspended or revoked by the Mayor upon a finding that the registrant:

- (1) Has been convicted of a felony under any District of Columbia, state, or federal law relating to any controlled substance;
- (2) Has had his or her federal or state registration suspended or revoked to manufacture, distribute, or dispense controlled substances;
- (3) Has had his or her practitioner’s license suspended or revoked in the District of Columbia by the appropriate authority; or
- (4) Has violated any provision of this chapter.

* * * * *

(July 24, 1998, D.C. Law 12-136, § 2(c), 45 DCR 2942.)

Effect of amendments. — D.C. Law 12-136 added (a)(4).

Legislative history of Law 12-136. — See note to § 33-532.

Subchapter IV. Offenses and Penalties.

§ 33-541. Prohibited acts A; penalties.

Probable cause for possession not found. — Police officers who witnessed defendant giving money to the driver of an automobile, then walking away with his fists balled up, lacked sufficient facts to warrant their conclusion that defendant was in possession of drugs; therefore, drugs that were seized when the officers forcibly opened defendant’s hands during the stop were unlawfully seized without probable cause and had to be suppressed at trial. *Upshur v. United States*, App. D.C., 716 A.2d 981 (1998).

Aiding and abetting. — To establish aiding and abetting possession with the intent to distribute heroin, the government must prove that (1) someone committed the offense as a principal, and (2) the defendant knowingly assisted or participated in the principal’s offense. *Bullock v. United States*, 709 A.2d 87 (D.C. 1998).

Evidence was sufficient to support conviction. *Brooks v. United States*, App. D.C., 717 A.2d 323 (1998).

Cited in *Boyd v. United States*, App. D.C., 703 A.2d 818 (1997); *Munn v. United States*,

App. D.C., 703 A.2d 1239 (1997); Parker v. United States, App. D.C., 704 A.2d 299 (1997); Hicks v. United States, App. D.C., 705 A.2d 636 (1997); Medrano-Quiroz v. United States, App. D.C., 705 A.2d 642 (1997); United States v. Wade, 992 F. Supp. 6 (D.D.C. 1997); West v. United States, App. D.C., 710 A.2d 866 (1998);

Jefferson v. United States, App. D.C., 712 A.2d 477 (1998); Thomas v. United States, App. D.C., 715 A.2d 121 (1998); United States v. Brown, 708 A.2d 637 (D.C. 1998); United States v. Wade, 152 F.3d 969 (D.C. Cir. 1998); Brown v. United States, App. D.C., 718 A.2d 95 (1998).

§ 33-542. Prohibited acts B; penalties.

(a) It is unlawful for any person:

* * * * *

(6) Who is a law-enforcement official, as designated by the Mayor, or a designated civilian employee of the Metropolitan Police Department, to divulge any knowledge relating to the records, order forms, or prescriptions of registrants which he or she received by virtue of his or her office, except in connection with officially authorized duties or in connection with a prosecution or proceeding in court or before a licensing or registration board or officer, to which prosecution or proceeding the registrant to whom such records, order forms, or prescriptions relate is a party; or

* * * * *

(_____, 1999, D.C. Law 12- (Act 12-613), § 10(b), 46 DCR 1328.)

Effect of amendments. — D.C. Law 12- (D.C. Act 12-613) inserted “or a designated civilian employee of the Metropolitan Police Department” in (a)(6).

Temporary amendment of section. — Section 10(b) of D.C. Law 12-(Act 12-492) inserted “or a designated civilian employee of the Metropolitan Police Department” in (a)(6).

Section 13(b) of D.C. Law 12-(Act 12-492) provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 10(b) of the Metropolitan Police Department Civilianization and Street Solicitation for Prostitution Emergency Amendment Act of 1998 (D.C. Act 12-428, August 6, 1998, 45 DCR 5884), § 10(b)

of the Metropolitan Police Department Civilianization Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-506, November 10, 1998, 45 DCR 8139), and § 10(b) of the Metropolitan Police Department Civilianization Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-13, February 8, 1999, 46 DCR 2333).

Section 13 of D.C. Act 12-506 provides for the retroactive application of the act.

Section 13 of D.C. Act 13-13 provides for the retroactive application of the act.

Legislative history of Law 12-(D.C. Act 12-492). — See note to § 33-532.

Legislative history of Law 12-(D.C. Act 12-613). — See note to § 33-532.

§ 33-547.1. Drug free zones.

(a) All areas within 1000 feet of a public or private day care center, elementary school, vocational school, secondary school, junior college, college, or university, or any public swimming pool, playground, video arcade, youth center, public library, or in and around public housing, as defined in section 3(1) of the United States Housing Act of 1937, approved August 22, 1974 (88 Stat. 654; 42 U.S.C. § 1437a(b)), the development or administration of which is assisted by the United States Department of Housing and Urban Development, or an event sponsored by any of the above entities shall be declared a drug free zone.

* * * * *

(Sept. 18, 1998, D.C. Law 12-146, § 2, 45 DCR 3851.)

Effect of amendments. — D.C. Law 12-146 rewrote (a).

Legislative history of Law 12-146. — Law 12-146, the “Library and Public Housing Drug Free Zone Amendment Act of 1998,” was introduced in Council and assigned Bill No. 12-10, which was referred to the Committee on the

Judiciary. The Bill was adopted on first and second readings on April 7, 1998, and May 5, 1998, respectively. Signed by the Mayor on May 20, 1998, it was assigned Act No. 12-358 and transmitted to both Houses of Congress for its review. D.C. Law 12-146 became effective on September 18, 1998.

Subchapter V. Enforcement and Administrative Provisions.

§ 33-551. Cooperative arrangements; confidentiality.

Delegation of Authority to implement D.C. Law 4-29, the “District of Columbia Uniformed Controlled Substances Act of

1981.” — See Mayor’s Order 98-49, April 15, 1998 (45 DCR 2694).

§ 33-552. Forfeitures.

* * * * *

(b) Property subject to forfeiture under this chapter may be seized by law enforcement officials, as designated by the Mayor, or designated civilian employees of the Metropolitan Police Department, upon process issued by the Superior Court of the District of Columbia having jurisdiction over the property, or without process if authorized by other law.

* * * * *

(d)(1) All controlled substances, the lawful possession of which is not established or the title to which cannot be ascertained, which come into the custody of law-enforcement officials of the District of Columbia, or any designated civilian employees of the Metropolitan Police Department, shall be delivered promptly to the United States Department of Justice or its delegate for disposal, except that controlled substances which may be needed as evidence in any criminal or administrative proceeding pursuant to the provisions of this chapter or the provisions of any federal controlled substances law shall, upon delivery to the United States Department of Justice, not be so disposed of until the public official in charge of prosecuting any violation under this chapter shall certify that such controlled substances are no longer needed as evidence.

* * * * *

(_____, 1999, D.C. Law 12- (Act 12-613), § 10(c), 46 DCR 1328.)

Effect of amendments. — D.C. Law 12- (D.C. Act 12-613) inserted “or designated civilian employees of the Metropolitan Police Department” in (b); and in (d)(1), inserted “or any

designated civilian employees of the Metropolitan Police Department.”

Temporary amendment of section. — Section 10(c) of D.C. Law 12-(Act 12-492) in-

serted “or designated civilian employees of the Metropolitan Police Department” in (b); and in (d)(1), inserted “or any designated civilian employees of the Metropolitan Police Department.”

Section 13(b) of D.C. Law 12-(Act 12-492) provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 10(c) of the Metropolitan Police Department Civilianization and Street Solicitation for Prostitution Emergency Amendment Act of 1998 (D.C. Act 12-428, August 6, 1998, 45 DCR 5884), § 10(c) of the Metropolitan Police De-

partment Civilianization Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-506, November 10, 1998, 45 DCR 45 8139), and § 10(c) of the Metropolitan Police Department Civilianization Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-13, February 8, 1999, 46 DCR 2333).

Section 13 of D.C. Act 12-506 provides for the retroactive application of the act.

Section 13 of D.C. Act 13-13 provides for the retroactive application of the act.

Legislative history of Law 12-(D.C. Act 12-492). — See note to § 33-532.

Legislative history of Law 12-(D.C. Act 12-613). — See note to § 33-532.

§ 33-555. Administrative inspections.

(a) The Mayor may make administrative inspections of controlled premises in accordance with the following provisions:

* * * * *

(2) When authorized by an administrative inspection warrant issued pursuant to subsection (b) of this section, an officer, an employee designated by the Mayor, or a designated civilian employee of the Metropolitan Police Department, upon presenting the warrant and appropriate credentials to the owner, operator, or agent in charge, may enter controlled premises for the purpose of conducting an administrative inspection.

* * * * *

(_____, 1999, D.C. Law 12- (Act 12-613), § 10(d), 46 DCR 1328.)

Effect of amendments. — D.C. Law 12-(D.C. Act 12-613), all in (a)(2), substituted “an” for “or” following “an officer” and inserted “or a designated civilian employee of the Metropolitan Police Department.”

Temporary amendment of section. — Section 10(d) of D.C. Law 12-(Act 12-492) in (a)(2), substituted “an” for “or” following “an officer” and inserted “or a designated civilian employee of the Metropolitan Police Department.”

Section 13(b) of D.C. Law 12-(Act 12-492) provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 10(d) of the Metropolitan Police Department Civilianization and Street Solicitation for Prosti-

tution Emergency Amendment Act of 1998 (D.C. Act 12-428, August 6, 1998, 45 DCR 5884), § 10(d) of the Metropolitan Police Department Civilianization Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-506, November 10, 1998, 45 DCR 8139), and § 10(d) of the Metropolitan Police Department Civilianization Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-13, February 8, 1999, 46 DCR 2333).

Section 13 of D.C. Act 12-506 provides for the retroactive application of the act.

Section 13 of D.C. Act 13-13 provides for the retroactive application of the act.

Legislative history of Law 12-(D.C. Act 12-492). — See note to § 33-532.

Legislative history of Law 12-(D.C. Act 12-613). — See note to § 33-532.

*Subchapter VI. Miscellaneous.***§ 33-565. Search warrants; issuance, execution and return; property inventory; filing of proceedings; interference with service.**

* * * * *

(j) When the officer or the designated civilian employee of the Metropolitan Police Department takes property under the warrant, he must give a copy of the warrant together with a receipt for the property taken (specifying it in detail) to the person from whom it was taken by him, or in whose possession it was found; or in the absence of any person, he must leave it in the place where he found the property.

(k) The officer or the designated civilian employee of the Metropolitan Police Department must forthwith return the warrant to the judge or Magistrate and deliver to him a written inventory of the property taken, made publicly or in the presence of the person from whose possession it was taken, and of the applicant for the warrant, if they are present, verified by the affidavit of the officer at the foot of the inventory and taken before the judge or Magistrate at the time, to the following in effect: "I, _____, the officer by whom this warrant was executed, do swear that the above inventory contains a true and detailed account of all the property taken by me on the warrant."

* * * * *

(_____, 1999, D.C. Law 12- (Act 12-613), § 11, 46 DCR 1328.)

Effect of amendments. — D.C. Law 12- (D.C. Act 12-613) inserted "or the designated civilian employee of the Metropolitan Police Department" in (j) and (k).

Temporary amendment of section. — Section 11 of D.C. Law 12-(Act 12-492) inserted "or the designated civilian employee of the Metropolitan Police Department" in (j) and (k).

Section 13(b) of D.C. Law 12-(Act 12-492) provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 11 of the Metropolitan Police Department Civilianization and Street Solicitation for Prostitution Emergency Amendment Act of 1998 (D.C. Act 12-428, August 6, 1998, 45 DCR 5884), § 11 of the Metropolitan Police Department Civilianization Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-506, November 10, 1998, 45 DCR 8139), and § 11

of the Metropolitan Police Department Civilianization Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-13, February 8, 1999, 46 DCR 2333).

Section 13 of D.C. Act 12-506 provides for the retroactive application of the act.

Section 13 of D.C. Act 13-13 provides for the retroactive application of the act.

Legislative history of Law 12-(D.C. Act 12-492). — See note to § 33-532.

Legislative history of Law 12-(D.C. Act 12-613). — See note to § 33-532.

"Refused admittance."

"Refused admittance" can not be construed to allow forced entry where five seconds elapsed between officer's knock and use of battering ram, the officer heard that video game was turned off within the apartment, and the officer heard footsteps that did not sound like they were coming towards the door. *West v. United States*, App. D.C., 710 A.2d 866 (1998).

*Subchapter VII. Drug Interdiction and Demand Reduction Fund.***§ 33-573. Grant Award Committee.**

Repealed.

(Aug. 5, 1981, D.C. Law 4-29, § 703, as added June 11, 1992, D.C. Law 9-123, § 2(c), 39 DCR 3202; Sept. 26, 1992, D.C. Law 9-155, § 2(c), 39 DCR 5679; Sept. 26, 1995, D.C. Law 11-52, § 809(b), 42 DCR 3684.)

Editor's notes. — This section is set forth above to provide historical information.

CHAPTER 6. DRUG PARAPHERNALIA.**§ 33-601. Definitions.**

Section references. — This section is referred to in §§ 33-604, 45-2559.1, and 45-3301.

CHAPTER 10. DRUG MANUFACTURE AND DISTRIBUTION LICENSURE.

Sec.

33-1001. Definitions.

33-1003. License requirements.

§ 33-1001. Definitions.

* * * * *

(Apr. 20, 1999, D.C. Law 12-264, § 36, 46 DCR 2118.)

Effect of amendments. — D.C. Law 12-264 validated previously made technical corrections.

Legislative history of Law 12-264. — Law 12-264, the “Technical Amendments Act of 1998,” was introduced in Council and assigned Bill No. 12-804, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998, respectively.

Signed by the Mayor on January 7, 1999, it was assigned Act No. 12-626 and transmitted to both Houses of Congress for its review. D.C. Law 12-264 became effective on April 20, 1999.

Delegation of Authority Pursuant to D.C. Law 8-137, the “District of Columbia Drug Manufacture and Distribution Licensure Act of 1990.” — See Mayor’s Order 98-88, May 29, 1998 (45 DCR 3982).

§ 33-1003. License requirements.

* * * * *

(f) Any license issued pursuant to this section shall be issued as a Class A Public Health: Pharmacy and Pharmaceuticals endorsement to a master business license under the master business license system as set forth in subchapter I-A of Chapter 28 of Title 47. (June 13, 1990, D.C. Law 8-137, § 4, 37 DCR 2631; Apr. 20, 1999, D.C. Law 12-261, § 2003(ff), 46 DCR 3142.)

Effect of amendments. — D.C. Law 12-261 added (f).

Legislative history of Law 12-261. — Law 12-261, the “Second Omnibus Regulatory Reform Amendment Act of 1998,” was introduced in Council and assigned Bill No. 12-615, which was referred to the Committee of the Whole.

The Bill was adopted on first and second readings on December 1, 1998, and December 15, 1998, respectively. Signed by the Mayor on December 31, 1998, it was assigned Act No. 12-615 and transmitted to both Houses of Congress for its review. D.C. Law 12-261 became effective on April 20, 1999.



